

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 6173**

(As amended, December 13, 2006)

<<A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending sections 1230, 1230a, 1230c, 1230d, 1230g, 1351, 1535a, and  
1539b (MCL 380.1230, 380.1230a, 380.1230c, 380.1230d, 380.1230g,  
380.1351, 380.1535a, and 380.1539b), sections 1230, 1230a, 1230c, 1230d,  
1230g, 1535a, and 1539b as amended by 2006 PA 84 and section 1351 as  
amended by 2003 PA 299, and by adding section 1230e.>>

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1230. (1) Except as otherwise provided in this section,  
2       upon an offer of initial employment being made by the board of a  
3       school district or intermediate school district or the governing  
4       body of a public school academy or nonpublic school to an  
5       individual for any full-time or part-time employment or when school  
6       officials learn that an individual is being assigned to regularly

1 and continuously work under contract in any of its schools, the  
2 district, public school academy, or nonpublic school shall request  
3 from the criminal records division of the department of state  
4 police a criminal history check on the individual and, before  
5 employing the individual as a regular employee or allowing the  
6 individual to regularly and continuously work under contract in any  
7 of its schools, shall have received from the department of state  
8 police the report described in subsection (8).

9 (2) If the board of a school district or intermediate school  
10 district or the governing body of a public school academy or  
11 nonpublic school determines it necessary to hire an individual **OR**  
12 **TO ALLOW AN INDIVIDUAL TO REGULARLY AND CONTINUOUSLY WORK UNDER**  
13 **CONTRACT** for a particular school year during that school year or  
14 within 30 days before the beginning of that school year, the board  
15 or governing body may employ the individual as a conditional  
16 employee **OR CONDITIONALLY ALLOW THE INDIVIDUAL TO REGULARLY AND**  
17 **CONTINUOUSLY WORK UNDER CONTRACT** under this subsection without  
18 first receiving the report described in subsection (8) if all of  
19 the following apply:

20 (a) The board or governing body requests the criminal history  
21 check required under subsection (1) before conditionally employing  
22 the individual **OR CONDITIONALLY ALLOWING THE INDIVIDUAL TO**  
23 **REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT IN ANY OF ITS**  
24 **SCHOOLS.**

25 (b) The individual signs a statement identifying all crimes  
26 for which he or she has been convicted, if any, and agreeing that,  
27 if the report described in subsection (8) is not the same as the

1 individual's statement, his or her employment contract is voidable  
2 at the option of the board or governing body. The department shall  
3 develop and distribute to districts and nonpublic schools a model  
4 form for the statement required under this subdivision. The  
5 department shall make the model form available to public school  
6 academies. A district, public school academy, or nonpublic school  
7 shall use the model form for the purposes of this subsection.

8 (3) If an individual is employed as a conditional employee  
9 under subsection (2) and the report described in subsection (8) is  
10 not the same as the individual's statement under subsection (2),  
11 the board or governing body may void the individual's employment  
12 contract. If an employment contract is voided under this  
13 subsection, the individual's employment is terminated, a collective  
14 bargaining agreement that would otherwise apply to the individual's  
15 employment does not apply to the termination, and the district,  
16 public school academy, or nonpublic school or the board or  
17 governing body is not liable for the termination.

18 (4) For an applicant for a position as a substitute teacher,  
19 **OR FOR AN INDIVIDUAL WHO REGULARLY AND CONTINUOUSLY WORKS UNDER**  
20 **CONTRACT IN MORE THAN 1 SCHOOL DISTRICT, INTERMEDIATE SCHOOL**  
21 **DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL, IF THE**  
22 **APPLICANT OR INDIVIDUAL AGREES IN WRITING TO ALLOW A DISTRICT,**  
23 **PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL TO SHARE THE RESULTS OF**  
24 **THE CRIMINAL HISTORY CHECK WITH ANOTHER DISTRICT, PUBLIC SCHOOL**  
25 **ACADEMY, OR NONPUBLIC SCHOOL, THEN** instead of requesting a criminal  
26 history check under subsection (1), a school district, intermediate  
27 school district, public school academy, or nonpublic school may use

1 a report received by another district, public school academy, or  
2 nonpublic school or maintained by the department to confirm that  
3 the **APPLICANT OR** individual does not have any criminal history. If  
4 that confirmation is not available, subsection (1) applies to the  
5 applicant **OR INDIVIDUAL**.

6 (5) If an applicant is being considered for employment by more  
7 than 1 school district, intermediate school district, public school  
8 academy, or nonpublic school and if the applicant agrees in writing  
9 to allow a district, public school academy, or nonpublic school to  
10 share the report described in subsection (8) with another district,  
11 public school academy, or nonpublic school, a district, public  
12 school academy, or nonpublic school may satisfy the requirements of  
13 subsection (1) by obtaining a copy of the report described in  
14 subsection (8) from another district, public school academy, or  
15 nonpublic school.

16 (6) An applicant for employment shall give written consent at  
17 the time of application for the criminal records division of the  
18 department of state police to conduct the criminal history check  
19 required under this section.

20 (7) A school district, intermediate school district, public  
21 school academy, or nonpublic school shall make a request to the  
22 criminal records division of the department of state police for a  
23 criminal history check required under this section on a form and in  
24 a manner prescribed by the criminal records division of the  
25 department of state police.

26 (8) Within 30 days after receiving a proper request by a  
27 school district, intermediate school district, public school

1 academy, or nonpublic school for a criminal history check on an  
2 individual under this section, the criminal records division of the  
3 department of state police shall conduct the criminal history check  
4 and, after conducting the criminal history check and within that  
5 time period, provide a report of the results of the criminal  
6 history check to the district, public school academy, or nonpublic  
7 school. The report shall contain any criminal history record  
8 information on the individual maintained by the criminal records  
9 division of the department of state police. **A SCHOOL DISTRICT,  
10 INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC  
11 SCHOOL THAT RECEIVES A REPORT FROM THE DEPARTMENT OF STATE POLICE  
12 UNDER THIS SUBSECTION SHALL RETAIN THAT REPORT IN THE INDIVIDUAL'S  
13 EMPLOYMENT RECORDS.**

14 (9) If the report received by a school district, intermediate  
15 school district, public school academy, or nonpublic school under  
16 subsection (8), **OR A REPORT RECEIVED UNDER SECTION 1230A, 1230D(7),  
17 1535A(15), OR 1539B(15),** discloses that an individual has been  
18 convicted of a listed offense, then the school district,  
19 intermediate school district, public school academy, or nonpublic  
20 school **SHALL TAKE STEPS TO VERIFY THAT INFORMATION USING PUBLIC  
21 RECORDS AND, IF THE INFORMATION IS VERIFIED,** shall not employ the  
22 individual in any capacity, as provided under section 1230c, and  
23 shall not allow the individual to regularly and continuously work  
24 under contract in any of its schools. If the report received by a  
25 school district, intermediate school district, public school  
26 academy, or nonpublic school under subsection (8), **OR A REPORT  
27 RECEIVED UNDER SECTION 1230A, 1230D(7), 1535A(15), OR 1539B(15),**

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1 discloses that an individual has been convicted of a felony other  
2 than a listed offense, then the school district, intermediate  
3 school district, public school academy, or nonpublic school **SHALL**  
4 **TAKE STEPS TO VERIFY THAT INFORMATION USING PUBLIC RECORDS AND, IF**  
5 **THE INFORMATION IS VERIFIED USING PUBLIC RECORDS,** shall not employ  
6 the individual in any capacity or allow the individual to regularly  
7 and continuously work under contract in any of its schools unless  
8 the superintendent or chief administrator and the **GOVERNING** board  
9 or governing body, **IF ANY,** of the school district, intermediate  
10 school district, public school academy, or nonpublic school each  
11 specifically ~~approve~~ **APPROVES** the employment or work assignment  
12 in writing. **IF A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT,**  
13 **PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL RECEIVES RESULTS**  
14 **DESCRIBED IN THIS SUBSECTION, WITHIN <<60>> DAYS AFTER RECEIVING THOSE**  
15 **RESULTS THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC**  
16 **SCHOOL ACADEMY, OR NONPUBLIC SCHOOL SHALL SUBMIT TO THE DEPARTMENT**  
17 **IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT A REPORT**  
18 **DETAILING THE INFORMATION AND ANY ACTION TAKEN AS A RESULT BY THE**  
19 **SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL**  
20 **ACADEMY, OR NONPUBLIC SCHOOL. THE DEPARTMENT SHALL MAINTAIN A COPY**  
21 **OF THIS REPORT FOR AT LEAST 6 YEARS.**

22 (10) Criminal history record information received from the  
23 criminal records division of the department of state police under  
24 subsection (8) shall be used by a school district, intermediate  
25 school district, public school academy, or nonpublic school only  
26 for the purpose of evaluating an individual's qualifications for  
27 employment or assignment in the position for which he or she has

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1 applied or been assigned and for the purposes of subsections (3),  
2 (4), ~~and~~ (5), **AND (12)**. A member of the board of a district or of  
3 the governing body of a public school academy or nonpublic school  
4 or an employee of a district, public school academy, or nonpublic  
5 school shall not disclose the report or its contents, **<<RECEIVED UNDER  
THIS SECTION>>** except a  
6 misdemeanor conviction involving sexual or physical abuse or any  
7 felony conviction, to any person who is not directly involved in  
8 evaluating the applicant's qualifications for employment or  
9 assignment. However, for the purposes of subsections (4) and (5), a  
10 person described in this subsection may confirm to an employee of  
11 another district, public school academy, or nonpublic school that a  
12 report under subsection (8) has revealed that an individual does  
13 not have any criminal history or may disclose that no report under  
14 subsection (8) has been received concerning the individual, and for  
15 the purposes of ~~subsection~~ **SUBSECTIONS (4), (5), AND (12)**, a  
16 person described in this subsection may provide a copy of the  
17 report under subsection (8) concerning the individual to an  
18 appropriate representative of another district, public school  
19 academy, or nonpublic school. **<<FOR AN INDIVIDUAL WHO IS REGULARLY  
20 AND CONTINUOUSLY WORKING UNDER CONTRACT, IF THE INDIVIDUAL AGREES IN  
21 WRITING, A DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL MAY  
22 PROVIDE A COPY OF THE RESULTS RECEIVED UNDER THIS SECTION CONCERNING THE  
23 INDIVIDUAL TO AN APPROPRIATE REPRESENTATIVE OF THE INDIVIDUAL'S EMPLOYER.  
24 A REPRESENTATIVE OF THE INDIVIDUAL'S EMPLOYER WHO RECEIVES A COPY OF A  
25 REPORT, OR RECEIVES RESULTS OF A REPORT FROM ANOTHER SOURCE AS AUTHORIZED  
26 BY THIS SUBSECTION, SHALL NOT DISCLOSE THE REPORT OR ITS CONTENTS OR THE  
27 RESULTS OF THE REPORT TO ANY PERSON OUTSIDE OF THE EMPLOYER'S BUSINESS OR**

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1 TO ANY OF THE EMPLOYER'S PERSONNEL WHO ARE NOT DIRECTLY INVOLVED IN  
 2 EVALUATING THE INDIVIDUAL'S QUALIFICATIONS FOR EMPLOYMENT OR  
 3 ASSIGNMENT. >> A person

4 who violates this subsection is guilty of a misdemeanor punishable  
 5 by a fine of not more than \$10,000.00, but is not subject to the  
 6 penalties under section 1804. AS USED IN THIS SUBSECTION,  
 7 "MISDEMEANOR CONVICTION INVOLVING SEXUAL OR PHYSICAL ABUSE"  
 8 INCLUDES, BUT IS NOT LIMITED TO, A MISDEMEANOR CONVICTION FOR A  
 9 LISTED OFFENSE; A MISDEMEANOR CONVICTION FOR VIOLATION OF SECTION  
 10 617A OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.617A; A  
 11 MISDEMEANOR CONVICTION FOR VIOLATION OF SECTION 701 OF THE MICHIGAN  
 12 LIQUOR CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1701; A  
 13 MISDEMEANOR CONVICTION FOR VIOLATION OF SECTION 81, 81A, 81C, 90C,  
 14 136B, 141A, 145, 145D, 145N, 233, 335A, OR 411H OF THE MICHIGAN  
 15 PENAL CODE, 1931 PA 328, MCL 750.81, 750.81A, 750.81C, 750.90C,  
 16 750.136B, 750.141A, 750.145, 750.145D, 750.145N, 750.233, 750.335A,  
 17 AND 750.411H; A MISDEMEANOR CONVICTION OF SECTION 6 OF 1979 PA 53,  
 18 MCL 752.796; OR A MISDEMEANOR CONVICTION FOR VIOLATION OF A  
 19 SUBSTANTIALLY SIMILAR LAW OF ANOTHER STATE, OF A POLITICAL  
 20 SUBDIVISION OF THIS STATE OR ANOTHER STATE, OR OF THE UNITED  
 21 STATES.

22 (11) SUBJECT TO SUBSECTION (12), IF THE CRIMINAL HISTORY CHECK  
 23 REQUIRED UNDER THIS SECTION HAS BEEN COMPLETED FOR A PARTICULAR  
 24 INDIVIDUAL AND THE RESULTS REPORTED TO A SCHOOL DISTRICT,  
 25 INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC  
 26 SCHOOL AS PROVIDED UNDER THIS SECTION, THEN ANOTHER CRIMINAL  
 27 HISTORY CHECK IS NOT REQUIRED UNDER THIS SECTION FOR THAT



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1 INDIVIDUAL AS LONG AS THE INDIVIDUAL REMAINS EMPLOYED WITH NO  
 2 SEPARATION FROM SERVICE BY ANY SCHOOL DISTRICT, INTERMEDIATE SCHOOL  
 3 DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL IN THIS STATE  
 4 OR REMAINS REGULARLY AND CONTINUOUSLY WORKING UNDER CONTRACT <<  
 5 >> WITH NO SEPARATION FROM SERVICE <<FOR THE SAME  
 EMPLOYER>> IN ANY SCHOOL  
 6 DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR  
 7 NONPUBLIC SCHOOL IN THIS STATE. <<FOR THE PURPOSES OF THIS SUBSECTION,  
 8 AN EMPLOYEE IS NOT CONSIDERED TO HAVE A SEPARATION FROM SERVICE IN ANY OF  
 9 THE FOLLOWING CIRCUMSTANCES:

10 (A) THE EMPLOYEE IS LAID OFF OR PLACED ON A LEAVE OF ABSENCE BY HIS  
 11 OR HER EMPLOYER AND RETURNS TO ACTIVE EMPLOYMENT WITH THE SAME EMPLOYER  
 12 WITHIN 1 YEAR AFTER BEING LAID OFF OR PLACED ON THE LEAVE OF ABSENCE.

(B) THE EMPLOYEE TRANSFERS TO ANOTHER SCHOOL DISTRICT, INTERMEDIATE  
 SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL AND REMAINS  
 CONTINUOUSLY EMPLOYED BY ANY SCHOOL DISTRICT, INTERMEDIATE SCHOOL  
 DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL IN THIS STATE.>>

13 (12) IF AN INDIVIDUAL DESCRIBED IN SUBSECTION (11) IS AN  
 14 APPLICANT FOR EMPLOYMENT IN A DIFFERENT SCHOOL DISTRICT,  
 15 INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC  
 16 SCHOOL THAN THE ONE THAT ORIGINALLY RECEIVED THE RESULTS OF THE  
 17 CRIMINAL HISTORY CHECK OR THAT CURRENTLY IS IN POSSESSION OF THE  
 18 RESULTS OF THE CRIMINAL HISTORY CHECK, OR IS BEING ASSIGNED TO  
 19 REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT IN A DIFFERENT  
 20 SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL  
 21 ACADEMY, OR NONPUBLIC SCHOOL THAN THE ONE THAT ORIGINALLY RECEIVED  
 22 THE RESULTS OF THE CRIMINAL HISTORY CHECK OR THAT CURRENTLY IS IN  
 23 POSSESSION OF THE RESULTS OF THE CRIMINAL HISTORY CHECK, THEN ALL  
 24 OF THE FOLLOWING APPLY:

25 (A) IF THE RESULTS OF THE INDIVIDUAL'S CRIMINAL HISTORY CHECK  
 26 HAVE NOT ALREADY BEEN FORWARDED TO THE NEW SCHOOL DISTRICT,  
 27 INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC

1 SCHOOL, THE NEW SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT,  
2 PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL SHALL REQUEST THE SCHOOL  
3 DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR  
4 NONPUBLIC SCHOOL THAT HAS THE RESULTS TO FORWARD THEM TO THE NEW  
5 SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL  
6 ACADEMY, OR NONPUBLIC SCHOOL. UPON RECEIPT OF SUCH A REQUEST, A  
7 SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL  
8 ACADEMY, OR NONPUBLIC SCHOOL THAT HAS THE RESULTS SHALL FORWARD  
9 THEM TO THE REQUESTING SCHOOL DISTRICT, INTERMEDIATE SCHOOL  
10 DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL.

11 (B) IF THE RESULTS OF THE INDIVIDUAL'S CRIMINAL HISTORY CHECK  
12 ARE NOT RECEIVED BY THE NEW SCHOOL DISTRICT, INTERMEDIATE SCHOOL  
13 DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL UNDER THIS  
14 SUBSECTION OR OTHERWISE, THEN THIS SECTION APPLIES TO THE  
15 INDIVIDUAL TO THE SAME EXTENT AS IF HE OR SHE HAS HAD A SEPARATION  
16 FROM SERVICE.

17 (C) IF THE RESULTS OF THE INDIVIDUAL'S CRIMINAL HISTORY CHECK  
18 ARE RECEIVED BY THE NEW SCHOOL DISTRICT, INTERMEDIATE SCHOOL  
19 DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL UNDER THIS  
20 SUBSECTION OR OTHERWISE, THEN THAT SCHOOL DISTRICT, INTERMEDIATE  
21 SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL SHALL  
22 PERFORM A CRIMINAL HISTORY CHECK ON THAT INDIVIDUAL USING THE  
23 DEPARTMENT OF STATE POLICE'S INTERNET CRIMINAL HISTORY ACCESS TOOL  
24 (ICHAT), ENSURING THAT THIS CRIMINAL HISTORY CHECK IS BASED ON THE  
25 PERSONAL IDENTIFYING INFORMATION, INCLUDING AT LEAST THE  
26 INDIVIDUAL'S NAME, SEX, AND DATE OF BIRTH, THAT WAS ASSOCIATED WITH  
27 THE RESULTS RECEIVED FROM THE PREVIOUS SCHOOL DISTRICT,

1 INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC  
2 SCHOOL.

3 (D) IF THE SEARCH OF THE DEPARTMENT OF STATE POLICE'S ICHAT  
4 UNDER SUBDIVISION (C) REVEALS THAT THE INDIVIDUAL HAS BEEN  
5 CONVICTED OF A LISTED OFFENSE, THEN THE SCHOOL DISTRICT,  
6 INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC  
7 SCHOOL SHALL TAKE STEPS TO VERIFY THAT INFORMATION USING PUBLIC  
8 RECORDS AND, IF THE INFORMATION IS VERIFIED USING PUBLIC RECORDS,  
9 SHALL NOT EMPLOY THE INDIVIDUAL IN ANY CAPACITY, AS PROVIDED UNDER  
10 SECTION 1230C, AND SHALL NOT ALLOW THE INDIVIDUAL TO REGULARLY AND  
11 CONTINUOUSLY WORK UNDER CONTRACT IN ANY OF ITS SCHOOLS. IF A SEARCH  
12 OF THE DEPARTMENT OF STATE POLICE'S ICHAT UNDER SUBDIVISION (C)  
13 REVEALS THAT THE INDIVIDUAL HAS BEEN CONVICTED OF A FELONY OTHER  
14 THAN A LISTED OFFENSE, THEN THE SCHOOL DISTRICT, INTERMEDIATE  
15 SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL SHALL  
16 TAKE STEPS TO VERIFY THAT INFORMATION USING PUBLIC RECORDS AND, IF  
17 THE INFORMATION IS VERIFIED USING PUBLIC RECORDS, SHALL NOT EMPLOY  
18 THE INDIVIDUAL IN ANY CAPACITY OR ALLOW THE INDIVIDUAL TO REGULARLY  
19 AND CONTINUOUSLY WORK UNDER CONTRACT IN ANY OF ITS SCHOOLS UNLESS  
20 THE SUPERINTENDENT OR CHIEF ADMINISTRATOR AND THE BOARD OR  
21 GOVERNING BODY, IF ANY, OF THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL  
22 DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL EACH  
23 SPECIFICALLY APPROVES THE EMPLOYMENT OR WORK ASSIGNMENT IN WRITING.

24 (13) ~~—(11)—~~ Subsection (1) does not apply to an individual who  
25 is being employed by or assigned to regularly and continuously work  
26 under contract in a school of a school district, intermediate  
27 school district, public school academy, or nonpublic school if the

1 individual is not more than 19 years of age and is enrolled as a  
2 general education pupil of ~~the~~ A school district, intermediate  
3 school district, public school academy, or nonpublic school or is  
4 not more than 26 years of age and is enrolled in special education  
5 programs or services in ~~the~~ A school district, intermediate  
6 school district, public school academy, or nonpublic school.  
7 However, before employing the individual or assigning the  
8 individual to regularly and continuously work under contract in a  
9 school, the school district, intermediate school district, public  
10 school academy, or nonpublic school shall perform a criminal  
11 history check on that person using the department of state police's  
12 internet criminal history access tool (ICHAT). If a search of the  
13 department of state police's ICHAT reveals that the individual has  
14 been convicted of a listed offense, then the school district,  
15 intermediate school district, public school academy, or nonpublic  
16 school **SHALL TAKE STEPS TO VERIFY THAT INFORMATION USING PUBLIC**  
17 **RECORDS AND, IF THE INFORMATION IS VERIFIED USING PUBLIC RECORDS,**  
18 shall not employ the individual in any capacity, as provided under  
19 section 1230c, and shall not allow the individual to regularly and  
20 continuously work under contract in any of its schools. If a search  
21 of the department of state police's ICHAT reveals that the  
22 individual has been convicted of a felony other than a listed  
23 offense, then the school district, intermediate school district,  
24 public school academy, or nonpublic school **SHALL TAKE STEPS TO**  
25 **VERIFY THAT INFORMATION USING PUBLIC RECORDS AND, IF THE**  
26 **INFORMATION IS VERIFIED USING PUBLIC RECORDS,** shall not employ the  
27 individual in any capacity or allow the individual to regularly and

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1 continuously work under contract in any of its schools unless the  
 2 superintendent or chief administrator and the board or governing  
 3 body, **IF ANY**, of the school district, intermediate school district,  
 4 public school academy, or nonpublic school each specifically  
 5 approves the employment or work assignment in writing.

6 **(14) FOR THE PURPOSES OF SUBSECTIONS (9) AND (13), THE**  
 7 **DEPARTMENT SHALL MAKE AVAILABLE TO SCHOOL DISTRICTS, INTERMEDIATE**  
 8 **SCHOOL DISTRICTS, PUBLIC SCHOOL ACADEMIES, AND NONPUBLIC SCHOOLS**  
 9 **INFORMATION ON HOW TO VERIFY A CONVICTION USING PUBLIC RECORDS.**

10 **(15) —(12)—** As used in this section:

11 (a) "At school" means in a classroom, elsewhere on school  
 12 property, or on a school bus or other school-related vehicle.

13 (b) "Criminal history record information" means that term as  
 14 defined in section 1a of 1925 PA 289, MCL 28.241a.

15 **(C) "FELONY" MEANS THAT TERM AS DEFINED IN SECTION 1 OF**  
 16 **CHAPTER I OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL**  
 17 **761.1.**

18 **(D) —(e)—** "Listed offense" means that term as defined in  
 19 section 2 of the sex offenders registration act, 1994 PA 295, MCL  
 20 28.722.

21 **(E) —(d)—** "Regularly and continuously work under contract"  
 22 means ~~<<either ANY>>~~ of the following:

23 (i) To work at school on a more than intermittent or sporadic  
 24 basis as an owner or employee of an entity that has a contract with  
 25 a school district, intermediate school district, public school  
 26 academy, or nonpublic school to provide food, custodial,  
 27 transportation, counseling, or administrative services, or to

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1 provide instructional services to pupils or related and auxiliary  
2 services to special education pupils.

3 (ii) To work at school on a more than intermittent or sporadic  
4 basis as an individual under a contract with a school district,  
5 intermediate school district, public school academy, or nonpublic  
6 school to provide food, custodial, transportation, counseling, or  
7 administrative services, or to provide instructional services to  
8 pupils or related and auxiliary services to special education  
9 pupils.

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10 (F) ~~(e)~~ "School property" means that term as defined in  
11 section 33 of the sex offenders registration act, 1994 PA 295, MCL  
12 28.733.

13 Sec. 1230a. (1) In addition to the criminal history check  
14 required under section 1230, the board of a school district or  
15 intermediate school district or the governing body of a public  
16 school academy or nonpublic school shall request the department of  
17 state police to conduct a criminal records check through the  
18 federal bureau of investigation on an applicant for, or an  
19 individual who is hired for, any full-time or part-time employment  
20 or who is assigned to regularly and continuously work under  
21 contract in any of its schools. Except as otherwise provided in  
22 this section, a board or governing body shall not employ an  
23 individual or allow an individual to regularly and continuously  
24 work under contract in any of its schools until after the board or  
25 governing body receives the results of the criminal records check.  
26 A board or governing body requesting a criminal records check under  
27 this section shall require the individual to submit his or her

1 fingerprints to the department of state police for that purpose.  
2 The department of state police may charge a fee for conducting the  
3 criminal records check. Subject to section 1230g, a board or  
4 governing body shall require an individual to submit his or her  
5 fingerprints for the purposes of this section only at the time the  
6 individual initially applies for employment with the board or  
7 governing body or is initially employed by the board or governing  
8 body or is initially assigned to regularly and continuously work  
9 under contract in any of its schools.

10 (2) If the board of a school district or intermediate school  
11 district or the governing body of a public school academy or  
12 nonpublic school determines it necessary to hire an individual **OR**  
13 **TO ALLOW AN INDIVIDUAL TO REGULARLY AND CONTINUOUSLY WORK UNDER**  
14 **CONTRACT** for a particular school year during that school year or  
15 within 30 days before the beginning of that school year, the board  
16 or governing body may employ the individual as a conditional  
17 employee **OR CONDITIONALLY ALLOW THE INDIVIDUAL TO REGULARLY AND**  
18 **CONTINUOUSLY WORK UNDER CONTRACT** under this subsection without  
19 first receiving the results of the criminal records check under  
20 subsection (1) if all of the following apply:

21 (a) The board or governing body requests the criminal records  
22 check under subsection (1) before conditionally employing the  
23 individual **OR CONDITIONALLY ALLOWING THE INDIVIDUAL TO REGULARLY**  
24 **AND CONTINUOUSLY WORK UNDER CONTRACT IN ANY OF ITS SCHOOLS.**

25 (b) The individual signs a statement identifying all crimes  
26 for which he or she has been convicted, if any, and agreeing that,  
27 if the results of the criminal records check under subsection (1)

1 reveal information that is inconsistent with the individual's  
2 statement, his or her employment contract is voidable at the option  
3 of the board or governing body. The department shall develop and  
4 distribute to districts and nonpublic schools a model form for the  
5 statement required under this subdivision. The department shall  
6 make the model form available to public school academies. A  
7 district, public school academy, or nonpublic school shall use the  
8 model form for the purposes of this subsection.

9 (3) If an individual is employed as a conditional employee  
10 under subsection (2) and the results of the criminal records check  
11 under subsection (1) reveal information that is inconsistent with  
12 the individual's statement under subsection (2), the board or  
13 governing body may void the individual's employment contract. If an  
14 employment contract is voided under this subsection, the  
15 individual's employment is terminated, a collective bargaining  
16 agreement that would otherwise apply to the individual's employment  
17 does not apply to the termination, and the district, public school  
18 academy, or nonpublic school or the board or governing body is not  
19 liable for the termination.

20 (4) For an applicant for a position as a substitute teacher,  
21 **OR FOR AN INDIVIDUAL WHO REGULARLY AND CONTINUOUSLY WORKS UNDER**  
22 **CONTRACT IN MORE THAN 1 SCHOOL DISTRICT, INTERMEDIATE SCHOOL**  
23 **DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL, IF THE**  
24 **APPLICANT OR INDIVIDUAL AGREES IN WRITING TO ALLOW A DISTRICT,**  
25 **PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL TO SHARE THE RESULTS OF**  
26 **THE CRIMINAL RECORDS CHECK WITH ANOTHER DISTRICT, PUBLIC SCHOOL**  
27 **ACADEMY, OR NONPUBLIC SCHOOL, THEN** instead of requesting a criminal



1 records check under subsection (1), a school district, intermediate  
2 school district, public school academy, or nonpublic school may use  
3 results received by another district, public school academy, or  
4 nonpublic school or maintained by the department to confirm that  
5 the **APPLICANT OR** individual does not have any criminal history. If  
6 that confirmation is not available, subsection (1) applies to the  
7 applicant **OR INDIVIDUAL**.

8 (5) If an applicant is being considered for employment by more  
9 than 1 school district, intermediate school district, public school  
10 academy, or nonpublic school and if the applicant agrees in writing  
11 to allow a district, public school academy, or nonpublic school to  
12 share the results of the criminal records check with another  
13 district, public school academy, or nonpublic school, then a  
14 district, public school academy, or nonpublic school may satisfy  
15 the requirements of subsection (1) by obtaining a copy of the  
16 results of the criminal records check from another district, public  
17 school academy, or nonpublic school.

18 (6) An applicant for employment shall give written consent at  
19 the time of application for the criminal records division of the  
20 department of state police to conduct the criminal records check  
21 required under this section.

22 (7) A school district, intermediate school district, public  
23 school academy, or nonpublic school shall make a request to the  
24 department of state police for a criminal records check under this  
25 section on a form and in a manner prescribed by the department of  
26 state police.

27 (8) The results of a criminal records check under this section

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1 shall be used by a school district, intermediate school district,  
2 public school academy, or nonpublic school only for the purpose of  
3 evaluating an individual's qualifications for employment or  
4 assignment in the position for which he or she has applied or been  
5 assigned and for the purposes of subsections (3), (4), ~~and~~ (5),  
6 **AND (12)**. A member of the board of a district or of the governing  
7 body of a public school academy or nonpublic school or an employee  
8 of a district, public school academy, or nonpublic school shall not  
9 disclose those results **<<RECEIVED UNDER THIS SECTION>>**, except a  
10 misdemeanor conviction involving  
11 sexual or physical abuse or any felony conviction, to any person  
12 who is not directly involved in evaluating the individual's  
13 qualifications for employment or assignment. However, for the  
14 purposes of subsections (4), ~~and~~ (5), **AND (12)** a person described  
15 in this subsection may provide a copy of the results ~~under~~  
16 ~~subsection (1)~~ **RECEIVED UNDER THIS SECTION** concerning the  
17 individual to an appropriate representative of another district,  
18 public school academy, or nonpublic school. **<<FOR AN INDIVIDUAL**  
19 **WHO IS REGULARLY AND CONTINUOUSLY WORKING UNDER CONTRACT, IF THE**  
20 **INDIVIDUAL AGREES IN WRITING, A DISTRICT, PUBLIC SCHOOL ACADEMY, OR**  
21 **NONPUBLIC SCHOOL MAY PROVIDE A COPY OF THE RESULTS RECEIVED UNDER THIS**  
22 **SECTION CONCERNING THE INDIVIDUAL TO AN APPROPRIATE REPRESENTATIVE OF THE**  
23 **INDIVIDUAL'S EMPLOYER. A REPRESENTATIVE OF THE INDIVIDUAL'S EMPLOYER WHO**  
24 **RECEIVES A COPY OF THE RESULTS, OR RECEIVES THE RESULTS FROM ANOTHER**  
25 **SOURCE AS AUTHORIZED BY THIS SUBSECTION, SHALL NOT DISCLOSE THE RESULTS**  
26 **TO ANY PERSON OUTSIDE OF THE EMPLOYER'S BUSINESS OR TO ANY OF THE**  
27 **EMPLOYER'S PERSONNEL WHO ARE NOT DIRECTLY INVOLVED IN EVALUATING THE**  
**INDIVIDUAL'S QUALIFICATIONS FOR EMPLOYMENT OR ASSIGNMENT.>>**

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>> A person

who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than \$10,000.00, but is not subject to the penalties under section 1804. **AS USED IN THIS SUBSECTION,**

**"MISDEMEANOR CONVICTION INVOLVING SEXUAL OR PHYSICAL ABUSE"**

**INCLUDES, BUT IS NOT LIMITED TO, A MISDEMEANOR CONVICTION FOR A**

**LISTED OFFENSE; A MISDEMEANOR CONVICTION FOR VIOLATION OF SECTION**

**617A OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.617A; A**

**MISDEMEANOR CONVICTION FOR VIOLATION OF SECTION 701 OF THE MICHIGAN**

**LIQUOR CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1701; A**

**MISDEMEANOR CONVICTION FOR VIOLATION OF SECTION 81, 81A, 81C, 90C,**

**136B, 141A, 145, 145D, 145N, 233, 335A, OR 411H OF THE MICHIGAN**

**PENAL CODE, 1931 PA 328, MCL 750.81, 750.81A, 750.81C, 750.90C,**

**750.136B, 750.141A, 750.145, 750.145D, 750.145N, 750.233, 750.335A,**

**AND 750.411H; A MISDEMEANOR CONVICTION OF SECTION 6 OF 1979 PA 53,**

**MCL 752.796; OR A MISDEMEANOR CONVICTION FOR VIOLATION OF A**

**SUBSTANTIALLY SIMILAR LAW OF ANOTHER STATE, OF A POLITICAL**

**SUBDIVISION OF THIS STATE OR ANOTHER STATE, OR OF THE UNITED**

**STATES.**

(9) Within 30 days after receiving a proper request by a school district, intermediate school district, public school academy, or nonpublic school for a criminal records check on an individual under this section, the criminal records division of the department of state police shall initiate the criminal records check through the federal bureau of investigation. After conducting the criminal records check required under this section for a school district, intermediate school district, ~~or~~ public school academy,

1 **OR NONPUBLIC SCHOOL**, the criminal records division of the  
2 department of state police shall provide the results of the  
3 criminal records check to the district, ~~or~~ public school academy,  
4 **OR NONPUBLIC SCHOOL**. ~~After conducting the criminal records check~~  
5 ~~required under this section for a nonpublic school, the criminal~~  
6 ~~records division of the department of state police shall notify the~~  
7 ~~nonpublic school of whether or not the criminal records check~~  
8 ~~disclosed any criminal history that is not disclosed in the report~~  
9 ~~on the individual provided to the nonpublic school under section~~  
10 ~~1230.~~ **A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC**  
11 **SCHOOL ACADEMY, OR NONPUBLIC SCHOOL THAT RECEIVES RESULTS FROM THE**  
12 **DEPARTMENT OF STATE POLICE UNDER THIS SUBSECTION SHALL RETAIN THOSE**  
13 **RESULTS IN THE INDIVIDUAL'S EMPLOYMENT RECORDS.**

14 (10) If the results received by a school district,  
15 intermediate school district, public school academy, or nonpublic  
16 school under subsection (9), **OR A REPORT RECEIVED UNDER SECTION**  
17 **1230, 1230D(7), 1535A(15), OR 1539B(15)**, disclose that an  
18 individual has been convicted of a listed offense, then the school  
19 district, intermediate school district, public school academy, or  
20 nonpublic school **SHALL TAKE STEPS TO VERIFY THAT INFORMATION USING**  
21 **PUBLIC RECORDS AND, IF THE INFORMATION IS VERIFIED**, shall not  
22 employ the individual in any capacity, as provided under section  
23 1230c, and shall not allow the individual to regularly and  
24 continuously work under contract in any of its schools. If the  
25 results received by a school district, intermediate school  
26 district, public school academy, or nonpublic school under  
27 subsection (9), **OR A REPORT RECEIVED UNDER SECTION 1230, 1230D(7)**,

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1 1535A(15), OR 1539B(15), disclose that an individual has been  
2 convicted of a felony other than a listed offense, then the school  
3 district, intermediate school district, public school academy, or  
4 nonpublic school **SHALL TAKE STEPS TO VERIFY THAT INFORMATION USING**  
5 **PUBLIC RECORDS AND, IF THE INFORMATION IS VERIFIED USING PUBLIC**  
6 **RECORDS**, shall not employ the individual in any capacity or allow  
7 the individual to regularly and continuously work under contract in  
8 any of its schools unless the superintendent or chief administrator  
9 and the **GOVERNING** board or governing body, **IF ANY**, of the school  
10 district, intermediate school district, public school academy, or  
11 nonpublic school each specifically ~~approve~~ **APPROVES** the  
12 employment or work assignment in writing. **IF A SCHOOL DISTRICT,**  
13 **INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC**  
14 **SCHOOL RECEIVES RESULTS DESCRIBED IN THIS SUBSECTION, WITHIN <<60>>**  
15 **DAYS AFTER RECEIVING THOSE RESULTS THE SCHOOL DISTRICT,**  
16 **INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC**  
17 **SCHOOL SHALL SUBMIT TO THE DEPARTMENT IN THE FORM AND MANNER**  
18 **PRESCRIBED BY THE DEPARTMENT A REPORT DETAILING THE INFORMATION AND**  
19 **ANY ACTION TAKEN AS A RESULT BY THE SCHOOL DISTRICT, INTERMEDIATE**  
20 **SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL. THE**  
21 **DEPARTMENT SHALL MAINTAIN A COPY OF THIS REPORT FOR AT LEAST 6**  
22 **YEARS.**

23 (11) **<<SUBJECT TO SUBSECTION (12),>>** IF THE CRIMINAL RECORDS CHECK  
24 REQUIRED UNDER THIS SECTION  
25 HAS BEEN COMPLETED FOR A PARTICULAR INDIVIDUAL AND THE RESULTS  
26 REPORTED TO A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC  
27 SCHOOL ACADEMY, OR NONPUBLIC SCHOOL AS PROVIDED UNDER THIS SECTION,  
THEN ANOTHER CRIMINAL RECORDS CHECK IS NOT REQUIRED UNDER THIS

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1 SECTION FOR THAT INDIVIDUAL AS LONG AS THE INDIVIDUAL REMAINS  
 2 EMPLOYED WITH NO SEPARATION FROM SERVICE BY ANY SCHOOL DISTRICT,  
 3 INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC  
 4 SCHOOL IN THIS STATE OR REMAINS REGULARLY AND CONTINUOUSLY WORKING  
 5 UNDER CONTRACT << >> WITH NO SEPARATION FROM  
 6 SERVICE <<FOR THE SAME EMPLOYER>> IN ANY SCHOOL DISTRICT, INTERMEDIATE  
 SCHOOL DISTRICT,  
 7 PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL IN THIS STATE. <<FOR THE  
 8 PURPOSES OF THIS SUBSECTION, AN EMPLOYEE IS NOT CONSIDERED TO HAVE A  
 9 SEPARATION FROM SERVICE IN ANY OF THE FOLLOWING CIRCUMSTANCES:

10 (A) THE EMPLOYEE IS LAID OFF OR PLACED ON A LEAVE OF ABSENCE BY HIS  
 11 OR HER EMPLOYER AND RETURNS TO ACTIVE EMPLOYMENT WITH THE SAME EMPLOYER  
 12 WITHIN 1 YEAR AFTER BEING LAID OFF OR PLACED ON THE LEAVE OF ABSENCE.

(B) THE EMPLOYEE TRANSFERS TO ANOTHER SCHOOL DISTRICT, INTERMEDIATE  
 SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL AND REMAINS  
 CONTINUOUSLY EMPLOYED BY ANY SCHOOL DISTRICT, INTERMEDIATE SCHOOL  
 DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL IN THIS STATE.>>

13 (12) IF AN INDIVIDUAL DESCRIBED IN SUBSECTION (11) IS AN  
 14 APPLICANT FOR EMPLOYMENT IN A DIFFERENT SCHOOL DISTRICT,  
 15 INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC  
 16 SCHOOL THAN THE ONE THAT ORIGINALLY RECEIVED THE RESULTS OF THE  
 17 CRIMINAL RECORDS CHECK OR THAT CURRENTLY IS IN POSSESSION OF THE  
 18 RESULTS OF THE CRIMINAL RECORDS CHECK, OR IS BEING ASSIGNED TO  
 19 REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT IN A DIFFERENT  
 20 SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL  
 21 ACADEMY, OR NONPUBLIC SCHOOL THAN THE ONE THAT ORIGINALLY RECEIVED  
 22 THE RESULTS OF THE CRIMINAL RECORDS CHECK OR THAT CURRENTLY IS IN  
 23 POSSESSION OF THE RESULTS OF THE CRIMINAL RECORDS CHECK, THEN ALL  
 24 OF THE FOLLOWING APPLY:

25 (A) IF THE RESULTS OF THE INDIVIDUAL'S CRIMINAL RECORDS CHECK  
 26 HAVE NOT ALREADY BEEN FORWARDED TO THE NEW SCHOOL DISTRICT,  
 27 INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC

1 SCHOOL, THE NEW SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT,  
2 PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL SHALL REQUEST THE SCHOOL  
3 DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR  
4 NONPUBLIC SCHOOL THAT HAS THE RESULTS TO FORWARD THEM TO THE NEW  
5 SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL  
6 ACADEMY, OR NONPUBLIC SCHOOL. UPON RECEIPT OF SUCH A REQUEST, A  
7 SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL  
8 ACADEMY, OR NONPUBLIC SCHOOL THAT HAS THE RESULTS SHALL FORWARD  
9 THEM TO THE REQUESTING SCHOOL DISTRICT, INTERMEDIATE SCHOOL  
10 DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL.

11 (B) IF THE RESULTS OF THE INDIVIDUAL'S CRIMINAL RECORDS CHECK  
12 ARE NOT RECEIVED BY THE NEW SCHOOL DISTRICT, INTERMEDIATE SCHOOL  
13 DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL UNDER THIS  
14 SUBSECTION OR OTHERWISE, THEN THIS SECTION APPLIES TO THE  
15 INDIVIDUAL TO THE SAME EXTENT AS IF HE OR SHE HAS HAD A SEPARATION  
16 FROM SERVICE.

17 (13) ~~(11)~~ Subsection (1) does not apply to an individual who  
18 is being employed by or assigned to regularly and continuously work  
19 under contract in a school of a school district, intermediate  
20 school district, public school academy, or nonpublic school if the  
21 individual is not more than 19 years of age and is enrolled as a  
22 general education pupil of ~~the~~ A school district, intermediate  
23 school district, public school academy, or nonpublic school or is  
24 not more than 26 years of age and is enrolled in special education  
25 programs or services in ~~the~~ A school district, intermediate  
26 school district, public school academy, or nonpublic school.  
27 However, before employing the individual or assigning the

1 individual to regularly and continuously work under contract in a  
2 school, the school district, intermediate school district, public  
3 school academy, or nonpublic school shall perform a criminal  
4 history check on that person using the department of state police's  
5 internet criminal history access tool (ICHAT). If a search of the  
6 department of state police's ICHAT reveals that the individual has  
7 been convicted of a listed offense, then the school district,  
8 intermediate school district, public school academy, or nonpublic  
9 school **SHALL TAKE STEPS TO VERIFY THAT INFORMATION USING PUBLIC**  
10 **RECORDS AND, IF THE INFORMATION IS VERIFIED USING PUBLIC RECORDS,**  
11 shall not employ the individual in any capacity, as provided under  
12 section 1230c, and shall not allow the individual to regularly and  
13 continuously work under contract in any of its schools. If a search  
14 of the department of state police's ICHAT reveals that the  
15 individual has been convicted of a felony other than a listed  
16 offense, then the school district, intermediate school district,  
17 public school academy, or nonpublic school **SHALL TAKE STEPS TO**  
18 **VERIFY THAT INFORMATION USING PUBLIC RECORDS AND, IF THE**  
19 **INFORMATION IS VERIFIED USING PUBLIC RECORDS,** shall not employ the  
20 individual in any capacity or allow the individual to regularly and  
21 continuously work under contract in any of its schools unless the  
22 superintendent or chief administrator and the board or governing  
23 body of the school district, intermediate school district, public  
24 school academy, or nonpublic school each specifically approves the  
25 employment or work assignment in writing.

26 (14) **FOR THE PURPOSES OF SUBSECTIONS (10) AND (13), THE**  
27 **DEPARTMENT SHALL MAKE AVAILABLE TO SCHOOL DISTRICTS, INTERMEDIATE**



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1 SCHOOL DISTRICTS, PUBLIC SCHOOL ACADEMIES, AND NONPUBLIC SCHOOLS  
2 INFORMATION ON HOW TO VERIFY A CONVICTION USING PUBLIC RECORDS.

3 (15) ~~—(12)—~~ As used in this section:

4 (a) "At school" means in a classroom, elsewhere on school  
5 property, or on a school bus or other school-related vehicle.

6 (B) "FELONY" MEANS THAT TERM AS DEFINED IN SECTION 1 OF  
7 CHAPTER I OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL  
8 761.1.

9 (C) ~~—(b)—~~ "Listed offense" means that term as defined in  
10 section 2 of the sex offenders registration act, 1994 PA 295, MCL  
11 28.722.

12 (D) ~~—(e)—~~ "Regularly and continuously work under contract"  
13 means ~~<<either ANY>>~~ of the following:

14 (i) To work at school on a more than intermittent or sporadic  
15 basis as an owner or employee of an entity that has a contract with  
16 a school district, intermediate school district, public school  
17 academy, or nonpublic school to provide food, custodial,  
18 transportation, counseling, or administrative services, or to  
19 provide instructional services to pupils or related and auxiliary  
20 services to special education pupils.

21 (ii) To work at school on a more than intermittent or sporadic  
22 basis as an individual under a contract with a school district,  
23 intermediate school district, public school academy, or nonpublic  
24 school to provide food, custodial, transportation, counseling, or  
25 administrative services, or to provide instructional services to  
26 pupils or related and auxiliary services to special education  
27 pupils.

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1           (E) ~~—(d)—~~ "School property" means that term as defined in  
2 section 33 of the sex offenders registration act, 1994 PA 295, MCL  
3 28.733.

4           Sec. 1230c. (1) If a school official of a school district,  
5 intermediate school district, public school academy, or nonpublic  
6 school has notice from an authoritative source that an individual  
7 has been convicted of a listed offense, the board of the school  
8 district or intermediate school district, board of directors of the  
9 public school academy, or governing board of the nonpublic school  
10 shall take steps to verify that information using public records  
11 and, if the information is verified using public records, shall not  
12 employ that individual in any capacity or allow that person to  
13 regularly and continuously work under contract in any of its  
14 schools. **IF A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC**  
15 **SCHOOL ACADEMY, OR NONPUBLIC SCHOOL RECEIVES NOTICE DESCRIBED IN**  
16 **THIS SUBSECTION, WITHIN <<60>> DAYS AFTER RECEIVING THAT NOTICE THE**  
17 **SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL**  
18 **ACADEMY, OR NONPUBLIC SCHOOL SHALL SUBMIT TO THE DEPARTMENT IN THE**  
19 **FORM AND MANNER PRESCRIBED BY THE DEPARTMENT A REPORT DETAILING THE**  
20 **INFORMATION RECEIVED AND ANY ACTION TAKEN AS A RESULT BY THE SCHOOL**  
21 **DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR**  
22 **NONPUBLIC SCHOOL. THE DEPARTMENT SHALL MAINTAIN A COPY OF THIS**  
23 **REPORT FOR AT LEAST 6 YEARS.**

24           (2) As used in this section:

25           (a) "At school" means in a classroom, elsewhere on school  
26 property, or on a school bus or other school-related vehicle.

27           (b) "Listed offense" means that term as defined in section 2

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1 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

2 (c) "Regularly and continuously work under contract" means  
3 <<either ANY>> of the following:

4 (i) To work at school on a more than intermittent or sporadic  
5 basis as an owner or employee of an entity that has a contract with  
6 a school district, intermediate school district, public school  
7 academy, or nonpublic school to provide food, custodial,  
8 transportation, counseling, or administrative services, or to  
9 provide instructional services to pupils or related and auxiliary  
10 services to special education pupils.

11 (ii) To work at school on a more than intermittent or sporadic  
12 basis as an individual under a contract with a school district,  
13 intermediate school district, public school academy, or nonpublic  
14 school to provide food, custodial, transportation, counseling, or  
15 administrative services, or to provide instructional services to  
16 pupils or related and auxiliary services to special education  
17 pupils.

<<

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18 (d) "School property" means that term as defined in section 33  
19 of the sex offenders registration act, 1994 PA 295, MCL 28.733.

20 Sec. 1230d. (1) If a person who is employed in any capacity by  
21 a school district, intermediate school district, public school  
22 academy, or nonpublic school; who has applied for a position with a  
23 school district, intermediate school district, public school  
24 academy, or nonpublic school and has had an initial criminal  
25 history check under section 1230 or criminal records check under  
26 section 1230a; or who is regularly and continuously working under  
27 contract in a school district, intermediate school district, public

1 school academy, or nonpublic school, is charged with a crime listed  
2 in section 1535a(1) or 1539b(1) or a violation of a substantially  
3 similar law of another state, a political subdivision of this state  
4 or another state, or of the United States, the person shall report  
5 to the department and to the school district, intermediate school  
6 district, public school academy, or nonpublic school that he or she  
7 has been charged with the crime. All of the following apply to this  
8 reporting requirement:

9 (a) The person shall make the report on a form prescribed by  
10 the department.

11 (b) The person shall submit the report to the department and  
12 to the superintendent of the school district or intermediate school  
13 district or chief administrator of the public school academy or  
14 nonpublic school.

15 (c) The person shall submit the report within 3 business days  
16 after being arraigned for the crime.

17 (2) If a person who is employed in any capacity by or is  
18 regularly and continuously working under contract in a school  
19 district, intermediate school district, public school academy, or  
20 nonpublic school enters a plea of guilt or no contest to or is the  
21 subject of a finding of guilt by a judge or jury of any crime after  
22 having been initially charged with a crime described in section  
23 1535a(1) or 1539b(1), then the person immediately shall disclose to  
24 the court, on a form prescribed by the state court administrative  
25 office, that he or she is employed by or regularly and continuously  
26 working under contract in a school district, intermediate school  
27 district, public school academy, or nonpublic school. The person

1 shall immediately provide a copy of the form to the prosecuting  
2 attorney in charge of the case, to the superintendent of public  
3 instruction, and to the superintendent or chief administrator of  
4 the school district, intermediate school district, public school  
5 academy, or nonpublic school.

6 (3) A person who violates subsection (1) or (2) is guilty of a  
7 crime, as follows:

8 (a) If the person violates either subsection (1) or (2) and  
9 the crime involved in the violation is a misdemeanor that is a  
10 listed offense or is a felony, the person is guilty of a felony  
11 punishable by imprisonment for not more than 2 years or a fine of  
12 not more than \$2,000.00, or both.

13 (b) If the person violates either subsection (1) or (2) and  
14 the crime involved in the violation is a misdemeanor that is not a  
15 listed offense, the person is guilty of a misdemeanor punishable by  
16 imprisonment for not more than 1 year or a fine of not more than  
17 \$1,000.00, or both.

18 (4) A person who violates subsection (1) or (2) may be  
19 discharged from his or her employment or have his or her contract  
20 terminated. If the board of a school district or intermediate  
21 school district or board of directors of a public school academy  
22 finds, after providing notice and the opportunity for a hearing,  
23 that a person employed by the school district, intermediate school  
24 district, or public school academy has violated subsection (1) or  
25 (2), the board or board of directors may discharge the person from  
26 his or her employment. However, if a collective bargaining  
27 agreement that applies to the affected person is in effect as of

1 ~~the effective date of this section~~ **JANUARY 1, 2006**, and if that  
2 collective bargaining agreement is not in compliance with this  
3 subsection, then this subsection does not apply to that school  
4 district, intermediate school district, or public school academy  
5 until after the expiration of that collective bargaining agreement.

6 (5) If a person submits a report that he or she has been  
7 charged with a crime, as required under subsection (1), and the  
8 person is subsequently not convicted of any crime after the  
9 completion of judicial proceedings resulting from that charge, then  
10 the person may request the department and the school district,  
11 intermediate school district, public school academy, or nonpublic  
12 school to delete the report from its records concerning the person.  
13 Upon receipt of the request from the person and of documentation  
14 verifying that the person was not convicted of any crime after the  
15 completion of judicial proceedings resulting from that charge, the  
16 department or a school district, intermediate school district,  
17 public school academy, or nonpublic school shall delete the report  
18 from its records concerning the person.

19 (6) If the prosecuting attorney in charge of a case receives a  
20 form as provided under subsection (2), the prosecuting attorney  
21 shall notify the superintendent of public instruction and the  
22 superintendent or chief administrator of any school district,  
23 intermediate school district, public school academy, or nonpublic  
24 school in which the person is employed by forwarding a copy of the  
25 form to each of them not later than 7 days after receiving the  
26 form. If the court receives a form as provided under subsection  
27 (2), the court shall notify the superintendent of public

1 instruction and the superintendent or chief administrator of any  
2 school district, intermediate school district, public school  
3 academy, or nonpublic school in which the person is employed by  
4 forwarding to each of them a copy of the form and information  
5 regarding the sentence imposed on the person not later than 7 days  
6 after the date of sentencing, even if the court is maintaining the  
7 file as a nonpublic record.

8 (7) The department of information technology shall work with  
9 the department and the department of state police to develop and  
10 implement an automated program that does a comparison of the  
11 department's list of registered educational personnel, **AND OF ANY**  
12 **OTHER LIST MAINTAINED BY THE DEPARTMENT OF INDIVIDUALS EMPLOYED OR**  
13 **REGULARLY AND CONTINUOUSLY WORKING UNDER CONTRACT IN A SCHOOL**, with  
14 the conviction information received by the department of state  
15 police. This comparison shall only include individuals who are  
16 actually school employees at the time of the comparison or who are  
17 regularly and continuously working under contract at the time of  
18 the comparison. Unless otherwise prohibited by law, this comparison  
19 shall include convictions contained in a nonpublic record. The  
20 department and the department of state police shall perform this  
21 comparison during January and June of each year until July 1, 2008.  
22 The department of state police shall take all reasonable and  
23 necessary measures using the available technology to ensure the  
24 accuracy of this comparison before transmitting the information  
25 under this subsection to the department. The department shall take  
26 all reasonable and necessary measures using the available  
27 technology to ensure the accuracy of this comparison before

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1 notifying a school district, intermediate school district, public  
2 school academy, or nonpublic school of a conviction. If a  
3 comparison discloses that a person on the department's list of  
4 registered educational personnel has been convicted of a crime, **OR**  
5 **IF THE DEPARTMENT IS OTHERWISE NOTIFIED BY THE DEPARTMENT OF STATE**  
6 **POLICE THAT SUCH A PERSON HAS BEEN CONVICTED OF A CRIME**, the  
7 department shall notify the superintendent or chief administrator  
8 and the board or governing body of the school district,  
9 intermediate school district, public school academy, or nonpublic  
10 school in which the person is employed of that conviction.

11 ~~<<(8) Not later than May 1, 2006, the department shall submit a~~  
12 ~~report to the legislature that details the number of individuals~~  
13 ~~who were on the department's list of registered educational~~  
14 ~~personnel as of January 1, 2006, who were school employees or~~  
15 ~~regularly and continuously working under contract as of January 1,~~  
16 ~~2006, and who have been convicted of a listed offense or any~~  
17 ~~felony.>>~~

18 **(8) IF A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC**  
19 **SCHOOL ACADEMY, OR NONPUBLIC SCHOOL RECEIVES A REPORT UNDER THIS**  
20 **SECTION OF A CONVICTION, WITHIN <<60>> DAYS AFTER RECEIVING THE REPORT**  
21 **THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL**  
22 **ACADEMY, OR NONPUBLIC SCHOOL SHALL SUBMIT TO THE DEPARTMENT IN THE**  
23 **FORM AND MANNER PRESCRIBED BY THE DEPARTMENT A REPORT DETAILING THE**  
24 **INFORMATION RECEIVED AND ANY ACTION TAKEN AS A RESULT BY THE SCHOOL**  
25 **DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR**  
26 **NONPUBLIC SCHOOL. THE DEPARTMENT SHALL MAINTAIN A COPY OF THIS**  
27 **REPORT FOR AT LEAST 6 YEARS.**



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1           **(9)** ~~—(9)—~~ As used in this section:

2           (a) "At school" means in a classroom, elsewhere on school  
3 property, or on a school bus or other school-related vehicle.

4           **(B) "FELONY" MEANS THAT TERM AS DEFINED IN SECTION 1 OF**  
5 **CHAPTER I OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL**  
6 **761.1.**

7           **(C)** ~~—(b)—~~ "Listed offense" means that term as defined in  
8 section 2 of the sex offenders registration act, 1994 PA 295, MCL  
9 28.722.

10          **(D)** ~~—(e)—~~ "Regularly and continuously work under contract"  
11 means ~~<<either ANY>>~~ of the following:

12          (i) To work at school on a more than intermittent or sporadic  
13 basis as an owner or employee of an entity that has a contract with  
14 a school district, intermediate school district, public school  
15 academy, or nonpublic school to provide food, custodial,  
16 transportation, counseling, or administrative services, or to  
17 provide instructional services to pupils or related and auxiliary  
18 services to special education pupils.

19          (ii) To work at school on a more than intermittent or sporadic  
20 basis as an individual under a contract with a school district,  
21 intermediate school district, public school academy, or nonpublic  
22 school to provide food, custodial, transportation, counseling, or  
23 administrative services, or to provide instructional services to  
24 pupils or related and auxiliary services to special education  
25 pupils.

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26          **(E)** ~~—(d)—~~ "School property" means that term as defined in  
27 section 33 of the sex offenders registration act, 1994 PA 295, MCL

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1 28.733.

2 SEC. 1230E. (1) NOT LATER THAN JANUARY 1, 2007, THE DEPARTMENT  
3 SHALL INCLUDE IN ITS LIST OF REGISTERED EDUCATIONAL PERSONNEL ALL  
4 INDIVIDUALS WHO ARE EMPLOYED BY A SCHOOL DISTRICT, INTERMEDIATE  
5 SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL AND ALL  
6 INDIVIDUALS WHO ARE ASSIGNED TO REGULARLY AND CONTINUOUSLY WORK  
7 UNDER CONTRACT IN A SCHOOL OPERATED BY A SCHOOL DISTRICT,  
8 INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC  
9 SCHOOL.

10 (2) AS USED IN THIS SECTION:

11 (A) "AT SCHOOL" MEANS IN A CLASSROOM, ELSEWHERE ON SCHOOL  
12 PROPERTY, OR ON A SCHOOL BUS OR OTHER SCHOOL-RELATED VEHICLE.

13 (B) "REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT" MEANS  
14 <<ANY>> OF THE FOLLOWING:

15 (i) TO WORK AT SCHOOL ON A MORE THAN INTERMITTENT OR SPORADIC  
16 BASIS AS AN OWNER OR EMPLOYEE OF AN ENTITY THAT HAS A CONTRACT WITH  
17 A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL  
18 ACADEMY, OR NONPUBLIC SCHOOL TO PROVIDE FOOD, CUSTODIAL,  
19 TRANSPORTATION, COUNSELING, OR ADMINISTRATIVE SERVICES, OR TO  
20 PROVIDE INSTRUCTIONAL SERVICES TO PUPILS OR RELATED AND AUXILIARY  
21 SERVICES TO SPECIAL EDUCATION PUPILS.

22 (ii) TO WORK AT SCHOOL ON A MORE THAN INTERMITTENT OR SPORADIC  
23 BASIS AS AN INDIVIDUAL UNDER A CONTRACT WITH A SCHOOL DISTRICT,  
24 INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC  
25 SCHOOL TO PROVIDE FOOD, CUSTODIAL, TRANSPORTATION, COUNSELING, OR  
26 ADMINISTRATIVE SERVICES, OR TO PROVIDE INSTRUCTIONAL SERVICES TO  
27 PUPILS OR RELATED AND AUXILIARY SERVICES TO SPECIAL EDUCATION

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1 PUPILS.

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2 (C) "SCHOOL PROPERTY" MEANS THAT TERM AS DEFINED IN SECTION 33  
3 OF THE SEX OFFENDERS REGISTRATION ACT, 1994 PA 295, MCL 28.733.

4 Sec. 1230g. (1) Not later than July 1, 2008, the board of a  
5 school district or intermediate school district, the board of  
6 directors of a public school academy, or the governing body of a  
7 nonpublic school shall do both of the following for each individual  
8 who, as of ~~January 1, 2006~~ **DECEMBER 1, 2005**, is either a full-  
9 time or part-time employee of the school district, intermediate  
10 school district, public school academy, or nonpublic school or is  
11 assigned to regularly and continuously work under contract in any  
12 of its schools **AND WHO EITHER IS STILL A FULL-TIME OR PART-TIME**  
13 **EMPLOYEE OF THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT,**  
14 **PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL ON THE DATE THAT THE**  
15 **CRIMINAL HISTORY AND CRIMINAL RECORDS CHECKS UNDER THIS SECTION ARE**  
16 **INITIATED OR IS STILL ASSIGNED TO REGULARLY AND CONTINUOUSLY WORK**  
17 **UNDER CONTRACT IN ANY OF ITS SCHOOLS ON THE DATE THAT THE CRIMINAL**  
18 **HISTORY AND CRIMINAL RECORDS CHECKS UNDER THIS SECTION ARE**  
19 **INITIATED:**

20 (a) Request from the criminal records division of the  
21 department of state police a criminal history check on the  
22 individual.

23 (b) Request the department of state police to conduct a  
24 criminal records check on the individual through the federal bureau  
25 of investigation. The board, board of directors, or governing board  
26 shall require the individual to submit his or her fingerprints to  
27 the department of state police for the purposes of this

1 subdivision. The department of state police may charge a fee for  
2 conducting the criminal records check.

3 (2) For an individual employed or regularly and continuously  
4 working under contract as a substitute teacher, **IF THE INDIVIDUAL**  
5 **AGREES IN WRITING TO ALLOW A DISTRICT, PUBLIC SCHOOL ACADEMY, OR**  
6 **NONPUBLIC SCHOOL TO SHARE THE RESULTS OF THE CRIMINAL HISTORY CHECK**  
7 **OR CRIMINAL RECORDS CHECK WITH ANOTHER DISTRICT, PUBLIC SCHOOL**  
8 **ACADEMY, OR NONPUBLIC SCHOOL, THEN** instead of requesting a criminal  
9 history check and criminal records check under subsection (1), a  
10 school district, intermediate school district, public school  
11 academy, or nonpublic school may use results received by another  
12 district, public school academy, or nonpublic school ~~or maintained~~  
13 ~~by the department~~ to confirm that the individual does not have any  
14 criminal history. **ALTERNATIVELY, A SCHOOL DISTRICT, INTERMEDIATE**  
15 **SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL MAY USE**  
16 **RESULTS MAINTAINED BY THE DEPARTMENT TO CONFIRM THAT THE INDIVIDUAL**  
17 **DOES NOT HAVE ANY CRIMINAL HISTORY.** If ~~that~~ confirmation is not  
18 available **FROM ANY OF THESE SOURCES**, subsection (1) applies to the  
19 individual.

20 (3) If an individual described in subsection (1) is employed  
21 by or regularly and continuously working under contract in more  
22 than 1 school district, intermediate school district, public school  
23 academy, or nonpublic school and if the individual agrees in  
24 writing to allow a district, public school academy, or nonpublic  
25 school to share the results of the criminal history check or  
26 criminal records check with another district, public school  
27 academy, or nonpublic school, then a district, public school

1 academy, or nonpublic school may satisfy the requirements of  
2 subsection (1) by obtaining a copy of the results of the criminal  
3 history check or criminal records check from another district,  
4 public school academy, or nonpublic school.

5 (4) An individual described in subsection (1) shall give  
6 written consent for the criminal records division of the department  
7 of state police to conduct the criminal history check and criminal  
8 records check required under this section and shall submit his or  
9 her fingerprints to the department of state police for the purposes  
10 of the criminal records check. **IF AN INDIVIDUAL DOES NOT COMPLY  
11 WITH THIS SUBSECTION OR OTHERWISE FAILS TO COOPERATE WITH A SCHOOL  
12 DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR  
13 NONPUBLIC SCHOOL THAT IS SEEKING TO COMPLY WITH SUBSECTION (1)  
14 CONCERNING THE INDIVIDUAL, THEN THE SCHOOL DISTRICT, INTERMEDIATE  
15 SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL SHALL  
16 NOT EMPLOY THE INDIVIDUAL IN ANY CAPACITY AND SHALL NOT ALLOW THE  
17 INDIVIDUAL TO REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT IN ANY  
18 OF ITS SCHOOLS.**

19 (5) A school district, intermediate school district, public  
20 school academy, or nonpublic school shall make a request to the  
21 department of state police for the criminal history check and  
22 criminal records check under this section on a form and in a manner  
23 prescribed by the department of state police.

24 (6) The results of a criminal history check and criminal  
25 records check under this section shall be used by a school  
26 district, intermediate school district, public school academy, or  
27 nonpublic school only for the purpose of evaluating an individual's

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1 qualifications for employment or assignment in his or her position  
2 and for the purposes of subsections (2) and (3). A member of the  
3 board of a school district or intermediate school district, of the  
4 board of directors of a public school academy, or of the governing  
5 body of a nonpublic school or an employee of a district, public  
6 school academy, or nonpublic school shall not disclose those  
7 results <<RECEIVED UNDER THIS SECTION>>, except a misdemeanor conviction  
8 involving sexual or  
9 physical abuse or any felony conviction, to any person who is not  
10 directly involved in evaluating the individual's qualifications for  
11 employment or assignment. However, for the purposes of subsections  
12 (2) and (3), a person described in this subsection may provide a  
13 copy of the results ~~under subsection (1)~~ **RECEIVED UNDER THIS**  
14 **SECTION** concerning the individual to an appropriate representative  
15 of another district, public school academy, or nonpublic school.  
16 <<FOR AN INDIVIDUAL WHO IS REGULARLY AND CONTINUOUSLY WORKING UNDER  
17 CONTRACT, IF THE INDIVIDUAL AGREES IN WRITING, A DISTRICT, PUBLIC SCHOOL  
18 ACADEMY, OR NONPUBLIC SCHOOL MAY PROVIDE A COPY OF THE RESULTS RECEIVED S  
19 UNDER THIS SECTION CONCERNING THE INDIVIDUAL TO AN APPROPRIATE  
20 REPRESENTATIVE OF THE INDIVIDUAL'S EMPLOYER. A REPRESENTATIVE OF THE  
21 INDIVIDUAL'S EMPLOYER WHO RECEIVES A COPY OF THE RESULTS, OR RECEIVES THE  
22 RESULTS FROM ANOTHER SOURCE AS AUTHORIZED BY THIS SUBSECTION, SHALL NOT  
23 DISCLOSE THE RESULTS TO ANY PERSON OUTSIDE OF THE EMPLOYER'S BUSINESS OR  
24 TO ANY OF THE EMPLOYER'S PERSONNEL WHO ARE NOT DIRECTLY INVOLVED IN  
25 EVALUATING THE INDIVIDUAL'S QUALIFICATIONS FOR EMPLOYMENT OR  
26 ASSIGNMENT.  
27 >> A person who violates this subsection is  
guilty of a misdemeanor punishable by a fine of not more than

1 \$10,000.00, but is not subject to the penalties under section 1804.  
2 AS USED IN THIS SUBSECTION, "MISDEMEANOR CONVICTION INVOLVING  
3 SEXUAL OR PHYSICAL ABUSE" INCLUDES, BUT IS NOT LIMITED TO, A  
4 MISDEMEANOR CONVICTION FOR A LISTED OFFENSE; A MISDEMEANOR  
5 CONVICTION FOR VIOLATION OF SECTION 617A OF THE MICHIGAN VEHICLE  
6 CODE, 1949 PA 300, MCL 257.617A; A MISDEMEANOR CONVICTION FOR  
7 VIOLATION OF SECTION 701 OF THE MICHIGAN LIQUOR CONTROL CODE OF  
8 1998, 1998 PA 58, MCL 436.1701; A MISDEMEANOR CONVICTION FOR  
9 VIOLATION OF SECTION 81, 81A, 81C, 90C, 136B, 141A, 145, 145D,  
10 145N, 233, 335A, OR 411H OF THE MICHIGAN PENAL CODE, 1931 PA 328,  
11 MCL 750.81, 750.81A, 750.81C, 750.90C, 750.136B, 750.141A, 750.145,  
12 750.145D, 750.145N, 750.233, 750.335A, AND 750.411H; A MISDEMEANOR  
13 CONVICTION OF SECTION 6 OF 1979 PA 53, MCL 752.796; OR A  
14 MISDEMEANOR CONVICTION FOR VIOLATION OF A SUBSTANTIALLY SIMILAR LAW  
15 OF ANOTHER STATE, OF A POLITICAL SUBDIVISION OF THIS STATE OR  
16 ANOTHER STATE, OR OF THE UNITED STATES.

17 (7) Within 30 days after receiving a proper request by a  
18 school district, intermediate school district, public school  
19 academy, or nonpublic school for a criminal history check and  
20 criminal records check on an individual under this section, the  
21 criminal records division of the department of state police shall  
22 do both of the following:

23 (a) Conduct the criminal history check and, after conducting  
24 the criminal history check and within that time period, provide a  
25 report of the results of the criminal history check to the  
26 district, public school academy, or nonpublic school. The report  
27 shall contain any criminal history record information on the

1 individual that is maintained by the criminal records division of  
2 the department of state police. **A SCHOOL DISTRICT, INTERMEDIATE**  
3 **SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL THAT**  
4 **RECEIVES A REPORT FROM THE DEPARTMENT OF STATE POLICE UNDER THIS**  
5 **SUBDIVISION SHALL RETAIN THAT REPORT IN THE INDIVIDUAL'S EMPLOYMENT**  
6 **RECORDS.**

7 (b) Initiate the criminal records check through the federal  
8 bureau of investigation. After conducting the criminal records  
9 check required under this section for a school district,  
10 intermediate school district, ~~or~~ public school academy, **OR**  
11 **NONPUBLIC SCHOOL**, the criminal records division of the department  
12 of state police shall provide the results of the criminal records  
13 check to the district, ~~or~~ public school academy, **OR NONPUBLIC**  
14 **SCHOOL.** ~~After conducting the criminal records check required under~~  
15 ~~this section for a nonpublic school, the criminal records division~~  
16 ~~of the department of state police shall notify the nonpublic school~~  
17 ~~of whether or not the criminal records check disclosed any criminal~~  
18 ~~history that is not disclosed in the criminal history check report~~  
19 ~~on the individual provided to the nonpublic school under~~  
20 ~~subdivision (a).~~ **A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT,**  
21 **PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL THAT RECEIVES RESULTS**  
22 **FROM THE DEPARTMENT OF STATE POLICE UNDER THIS SUBDIVISION SHALL**  
23 **RETAIN THOSE RESULTS IN THE INDIVIDUAL'S EMPLOYMENT RECORDS.**

24 (8) If the results received by a school district, intermediate  
25 school district, public school academy, or nonpublic school under  
26 subsection (7), **OR A REPORT RECEIVED UNDER SECTION 1230A, 1230D(7),**  
27 **1535A(15), OR 1539B(15),** disclose that an individual has been



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1 convicted of a listed offense, then the school district,  
2 intermediate school district, public school academy, or nonpublic  
3 school **SHALL TAKE STEPS TO VERIFY THAT INFORMATION USING PUBLIC**  
4 **RECORDS AND, IF THE INFORMATION IS VERIFIED <<USING PUBLIC RECORDS>>**,  
shall not employ the  
5 individual in any capacity, as provided under section 1230c, and  
6 shall not allow the individual to regularly and continuously work  
7 under contract in any of its schools. If the results received by a  
8 school district, intermediate school district, public school  
9 academy, or nonpublic school under subsection (7), **OR A REPORT**  
10 **RECEIVED UNDER SECTION 1230A, 1230D(7), 1535A(15), OR 1539B(15),**  
11 disclose that an individual has been convicted of a felony other  
12 than a listed offense, then the school district, intermediate  
13 school district, public school academy, or nonpublic school **SHALL**  
14 **TAKE STEPS TO VERIFY THAT INFORMATION USING PUBLIC RECORDS AND, IF**  
15 **THE INFORMATION IS VERIFIED USING PUBLIC RECORDS**, shall not employ  
16 the individual in any capacity or allow the individual to regularly  
17 and continuously work under contract in any of its schools unless  
18 the superintendent or chief administrator and the **GOVERNING** board  
19 or governing body, **IF ANY**, of the school district, intermediate  
20 school district, public school academy, or nonpublic school each  
21 specifically ~~approve~~ **APPROVES** the employment or work assignment  
22 in writing. **IF A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT,**  
23 **PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL RECEIVES RESULTS**  
24 **DESCRIBED IN THIS SUBSECTION, WITHIN <<60>> DAYS AFTER RECEIVING THOSE**  
25 **RESULTS THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC**  
26 **SCHOOL ACADEMY, OR NONPUBLIC SCHOOL SHALL SUBMIT TO THE DEPARTMENT**  
27 **IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT A REPORT**

1 DETAILING THE INFORMATION RECEIVED AND ANY ACTION TAKEN AS A RESULT  
 2 BY THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL  
 3 ACADEMY, OR NONPUBLIC SCHOOL. THE DEPARTMENT SHALL MAINTAIN A COPY  
 4 OF THIS REPORT FOR AT LEAST 6 YEARS. <<

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10 (9) IF THE CRIMINAL HISTORY CHECK AND CRIMINAL RECORDS CHECK  
 11 REQUIRED UNDER THIS SECTION HAVE BEEN COMPLETED FOR A PARTICULAR  
 12 INDIVIDUAL AND THE RESULTS REPORTED TO A SCHOOL DISTRICT,  
 13 INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC  
 14 SCHOOL AS PROVIDED UNDER THIS SECTION, THEN ANOTHER CRIMINAL  
 15 HISTORY CHECK OR CRIMINAL RECORDS CHECK IS NOT REQUIRED UNDER THIS  
 16 SECTION FOR THAT INDIVIDUAL AS LONG AS THE INDIVIDUAL REMAINS  
 17 EMPLOYED WITH NO SEPARATION FROM SERVICE BY ANY SCHOOL DISTRICT,  
 18 INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC  
 19 SCHOOL IN THIS STATE OR REMAINS REGULARLY AND CONTINUOUSLY WORKING  
 20 UNDER CONTRACT << >> WITH NO SEPARATION FROM  
 21 SERVICE <<FOR THE SAME EMPLOYER>> IN ANY SCHOOL DISTRICT, INTERMEDIATE  
 SCHOOL DISTRICT,

22 PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL IN THIS STATE. <<FOR THE  
 PURPOSES OF THIS SUBSECTION, AN EMPLOYEE IS NOT CONSIDERED TO HAVE A  
 SEPARATION FROM SERVICE IN ANY OF THE FOLLOWING CIRCUMSTANCES:

(A) THE EMPLOYEE IS LAID OFF OR PLACED ON A LEAVE OF ABSENCE BY HIS  
 OR HER EMPLOYER AND RETURNS TO ACTIVE EMPLOYMENT WITH THE SAME EMPLOYER  
 WITHIN 1 YEAR AFTER BEING LAID OFF OR PLACED ON THE LEAVE OF ABSENCE.

(B) THE EMPLOYEE TRANSFERS TO ANOTHER SCHOOL DISTRICT, INTERMEDIATE  
 SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL AND REMAINS  
 CONTINUOUSLY EMPLOYED BY ANY SCHOOL DISTRICT, INTERMEDIATE SCHOOL  
 DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL IN THIS STATE.>>

23 (10) ~~—(9)—~~ Subsection (1) does not apply to an individual who  
 24 is an employee or is assigned to regularly and continuously work

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25 under contract in a school of a school district, intermediate  
26 school district, public school academy, or nonpublic school if the  
27 individual is not more than 19 years of age and is enrolled as a

1 general education pupil of ~~the~~ A school district, intermediate  
2 school district, public school academy, or nonpublic school or is  
3 not more than 26 years of age and is enrolled in special education  
4 programs or services in ~~the~~ A school district, intermediate  
5 school district, public school academy, or nonpublic school.  
6 However, the school district, intermediate school district, public  
7 school academy, or nonpublic school shall perform a criminal  
8 history check on that person using the department of state police's  
9 internet criminal history access tool (ICHAT). If a search of the  
10 department of state police's ICHAT reveals that the individual has  
11 been convicted of a listed offense, then the school district,  
12 intermediate school district, public school academy, or nonpublic  
13 school **SHALL TAKE STEPS TO VERIFY THAT INFORMATION USING PUBLIC**  
14 **RECORDS AND, IF THE INFORMATION IS VERIFIED USING PUBLIC RECORDS,**  
15 shall not employ the individual in any capacity, as provided under  
16 section 1230c, and shall not allow the individual to regularly and  
17 continuously work under contract in any of its schools. If a search  
18 of the department of state police's ICHAT reveals that the  
19 individual has been convicted of a felony other than a listed  
20 offense, then the school district, intermediate school district,  
21 public school academy, or nonpublic school **SHALL TAKE STEPS TO**  
22 **VERIFY THAT INFORMATION USING PUBLIC RECORDS AND, IF THE**  
23 **INFORMATION IS VERIFIED USING PUBLIC RECORDS,** shall not employ the  
24 individual in any capacity or allow the individual to regularly and  
25 continuously work under contract in any of its schools unless the  
26 superintendent or chief administrator and the board or governing  
27 body of the school district, intermediate school district, public

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1 school academy, or nonpublic school each specifically approves the  
2 employment or work assignment in writing.

3 (11) FOR THE PURPOSES OF SUBSECTIONS (8) AND (10), THE  
4 DEPARTMENT SHALL MAKE AVAILABLE TO SCHOOL DISTRICTS, INTERMEDIATE  
5 SCHOOL DISTRICTS, PUBLIC SCHOOL ACADEMIES, AND NONPUBLIC SCHOOLS  
6 INFORMATION ON HOW TO VERIFY A CONVICTION USING PUBLIC RECORDS.

7 (12) ~~(10)~~ As used in this section:

8 (a) "At school" means in a classroom, elsewhere on school  
9 property, or on a school bus or other school-related vehicle.

10 (B) "FELONY" MEANS THAT TERM AS DEFINED IN SECTION 1 OF  
11 CHAPTER I OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL  
12 761.1.

13 (C) ~~(b)~~ "Listed offense" means that term as defined in  
14 section 2 of the sex offenders registration act, 1994 PA 295, MCL  
15 28.722.

16 (D) ~~(e)~~ "Regularly and continuously work under contract"  
17 means ~~<<either ANY>>~~ of the following:

18 (i) To work at school on a more than intermittent or sporadic  
19 basis as an owner or employee of an entity that has a contract with  
20 a school district, intermediate school district, public school  
21 academy, or nonpublic school to provide food, custodial,  
22 transportation, counseling, or administrative services, or to  
23 provide instructional services to pupils or related and auxiliary  
24 services to special education pupils.

25 (ii) To work at school on a more than intermittent or sporadic  
26 basis as an individual under a contract with a school district,  
27 intermediate school district, public school academy, or nonpublic

1 school to provide food, custodial, transportation, counseling, or  
 2 administrative services, or to provide instructional services to  
 3 pupils or related and auxiliary services to special education  
 4 pupils.

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&gt;&gt;

5 (E) ~~-(d)-~~ "School property" means that term as defined in  
 6 section 33 of the sex offenders registration act, 1994 PA 295, MCL  
 7 28.733.

<<Sec. 1351. (1) Until May 1, 1994, a school district may borrow money and issue bonds of the district to defray all or a part of the cost of purchasing, erecting, completing, remodeling, improving, furnishing, refurbishing, equipping, or reequipping school buildings, including library buildings, structures, athletic fields, playgrounds, or other facilities, or parts of or additions to those facilities; acquiring, preparing, developing, or improving sites, or parts of or additions to sites, for school buildings, including library buildings, structures, athletic fields, playgrounds, or other facilities; purchasing school buses; participating in the administrative costs of an urban renewal program through which the school district desires to acquire a site or addition to a site for school purposes; refunding all or part of existing bonded indebtedness; or accomplishing a combination of the purposes set forth in this subsection. In addition, until December 31, 1991 a school district may borrow money and issue bonds to defray all or part of the cost of purchasing textbooks.

(2) Except as otherwise provided in this subsection, a school district shall not borrow money or issue bonds for a sum that, together with the total outstanding bonded indebtedness of the district, exceeds 5% of the state equalized valuation of the taxable property within the district, unless the proposition of borrowing the money or issuing the bonds is submitted to a vote of the school electors of the district at a regular or special school election and approved by the majority of the school electors voting on the question. Regardless of the amount of outstanding bonded indebtedness of the school district, a vote of the school electors is not necessary in order to issue bonds for a purpose described in section 1274a, ~~or~~ to issue bonds under section 11i of the state school aid act of 1979, MCL 388.1611i, **OR, IF THE SCHOOL DISTRICT HAS FEWER THAN 1,100 PUPILS IN MEMBERSHIP IN 2006 AND IS LOCATED IN A COUNTY WITH A POPULATION OF LESS THAN 30,500 AS OF THE 2000 DECENNIAL CENSUS, TO ISSUE QUALIFIED ZONE ACADEMY BONDS.** For the purposes of this subsection, ~~bonds issued under section 11i of the state school aid act of 1979, MCL 388.1611i,~~ **THE FOLLOWING TYPES OF BONDS** shall not be included in computing the total outstanding bonded indebtedness of a school district:

(A) **BONDS ISSUED UNDER SECTION 11I OF THE STATE SCHOOL AID ACT OF 1979, MCL 388.1611I.**

(B) **IF THE SCHOOL DISTRICT HAS FEWER THAN 1,100 PUPILS IN MEMBERSHIP IN 2006 AND IS LOCATED IN A COUNTY WITH A POPULATION OF LESS THAN 30,500 AS OF THE 2000 DECENNIAL CENSUS, QUALIFIED ZONE ACADEMY BONDS.**

(3) A school district shall not issue bonds under this part for an amount greater than 15% of the total assessed valuation of the district, except as provided in section 1356. A bond qualified under section 16 of article IX of the state constitution of 1963 and implementing legislation

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shall not be included for purposes of calculating the 15% limitation. Bonds issued under this part are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, except that bonds issued for a purpose described in section 1274a may be sold at a public or publicly negotiated sale at the time or times, at the price or prices, and at a discount as determined by the board of the school district.

(4) Bonds or notes issued by a school district or intermediate school district under this part or section 442, 629, or 1274a shall be full faith and credit tax limited obligations of the district pledging the general funds, voted and allocated tax levies, or any other money available for such a purpose and shall not allow or provide for the levy of additional millage for payment of the bond or note without a vote of the qualified electorate of the district.

**(5) AS USED IN THIS SECTION, "QUALIFIED ZONE ACADEMY BOND" MEANS THAT TERM AS DEFINED IN SECTION 1397E OF THE INTERNAL REVENUE CODE, 26 USC 1397E.>>**

8       Sec. 1535a. (1) Subject to subsection (2), if a person who  
9 holds a teaching certificate that is valid in this state has been  
10 convicted of a crime described in this subsection, within 10  
11 working days after receiving notice of the conviction the  
12 superintendent of public instruction shall notify the person in  
13 writing that his or her teaching certificate may be suspended  
14 because of the conviction and of his or her right to a hearing  
15 before the superintendent of public instruction. The hearing shall  
16 be conducted as a contested case under the administrative  
17 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. If the  
18 person does not avail himself or herself of this right to a hearing  
19 within 15 working days after receipt of this written notification,  
20 the teaching certificate of that person shall be suspended. If a  
21 hearing takes place, the superintendent of public instruction shall  
22 complete the proceedings and make a final decision and order within  
23 120 working days after receiving the request for a hearing. Subject  
24 to subsection (2), the superintendent of public instruction may  
25 suspend the person's teaching certificate based upon the issues and  
26 evidence presented at the hearing. This subsection applies to any  
27 of the following crimes:

1 (a) Any felony.

2 (b) Any of the following misdemeanors:

3 (i) Criminal sexual conduct in the fourth degree or an attempt  
4 to commit criminal sexual conduct in the fourth degree.

5 (ii) Child abuse in the third or fourth degree or an attempt to  
6 commit child abuse in the third or fourth degree.

7 (iii) A misdemeanor involving cruelty, torture, or indecent  
8 exposure involving a child.

9 (iv) A misdemeanor violation of section 7410 of the public  
10 health code, 1978 PA 368, MCL 333.7410.

11 (v) A violation of section 115, 141a, ~~145a,~~ 335a, or 359 of  
12 the Michigan penal code, 1931 PA 328, MCL 750.115, 750.141a,  
13 ~~750.145a,~~ 750.335a, and 750.359, or a misdemeanor violation of  
14 section 81, 81a, or 145d of the Michigan penal code, 1931 PA 328,  
15 MCL 750.81, 750.81a, and 750.145d.

16 (vi) A misdemeanor violation of section 701 of the Michigan  
17 liquor control code of 1998, 1998 PA 58, MCL 436.1701.

18 (vii) Any misdemeanor that is a listed offense.

19 (c) A violation of a substantially similar law of another  
20 state, of a political subdivision of this state or another state,  
21 or of the United States.

22 (2) If a person who holds a teaching certificate that is valid  
23 in this state has been convicted of a crime described in this  
24 subsection, the superintendent of public instruction shall find  
25 that the public health, safety, or welfare requires emergency  
26 action and shall order summary suspension of the person's teaching  
27 certificate under section 92 of the administrative procedures act



1 of 1969, 1969 PA 306, MCL 24.292, and shall subsequently provide an  
2 opportunity for a hearing as provided under that section. This  
3 subsection does not limit the superintendent of public  
4 instruction's ability to order summary suspension of a person's  
5 teaching certificate for a reason other than described in this  
6 subsection. This subsection applies to conviction of any of the  
7 following crimes:

8 (a) Criminal sexual conduct in any degree, assault with intent  
9 to commit criminal sexual conduct, or an attempt to commit criminal  
10 sexual conduct in any degree.

11 (b) Felonious assault on a child, child abuse in the first  
12 degree, or an attempt to commit child abuse in the first degree.

13 (c) Cruelty, torture, or indecent exposure involving a child.

14 (d) A violation of section 7401(2)(a)(i), 7403(2)(a)(i), 7410,  
15 or 7416 of the public health code, 1978 PA 368, MCL 333.7401,  
16 333.7403, 333.7410, and 333.7416.

17 (e) A violation of section 83, 89, 91, 145a, 145b, 145c, 316,  
18 317, 350, 448, 455, or 529 of the Michigan penal code, 1931 PA 328,  
19 MCL 750.83, 750.89, 750.91, 750.145a, 750.145b, 750.145c, 750.316,  
20 750.317, 750.350, 750.448, 750.455, and 750.529, or a felony  
21 violation of section 145d of the Michigan penal code, 1931 PA 328,  
22 MCL 750.145d.

23 (f) A violation of section 158 of the Michigan penal code,  
24 1931 PA 328, MCL 750.158, if a victim is an individual less than 18  
25 years of age.

26 (g) Except for a juvenile disposition or adjudication, a  
27 violation of section 338, 338a, or 338b of the Michigan penal code,

1 1931 PA 328, MCL 750.338, 750.338a, and 750.338b, if a victim is an  
2 individual less than 18 years of age.

3 (h) A violation of section 349 of the Michigan penal code,  
4 1931 PA 328, MCL 750.349, if a victim is an individual less than 18  
5 years of age.

6 (i) An offense committed by a person who was, at the time of  
7 the offense, a sexually delinquent person as defined in section 10a  
8 of the Michigan penal code, 1931 PA 328, MCL 750.10a.

9 **(J) ANY OTHER CRIME THAT IS A LISTED OFFENSE.**

10 **(K) —(j)—** An attempt or conspiracy to commit an offense listed  
11 in subdivision (a), (e), (f), (g), (h), ~~or~~ (i), **OR (J).**

12 **(L) —(k)—** A violation of a substantially similar law of another  
13 state, of a political subdivision of this state or another state,  
14 or of the United States.

15 **(M) —(l)—** Any other crime listed in subsection (1), if the  
16 superintendent of public instruction determines the public health,  
17 safety, or welfare requires emergency action based on the  
18 circumstances underlying the conviction.

19 **(3) ALL OF THE FOLLOWING APPLY TO ANY PROCEEDINGS AFFECTING A**  
20 **PERSON'S TEACHING CERTIFICATE UNDER THIS SECTION:**

21 **(A) THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL APPOINT A**  
22 **DESIGNEE TO PERFORM THE INVESTIGATORY AND PROSECUTORIAL FUNCTIONS**  
23 **INVOLVED IN THE PROCEEDINGS. HOWEVER, THE SUPERINTENDENT OF PUBLIC**  
24 **INSTRUCTION MUST APPROVE ANY SETTLEMENT, CONDITIONAL AGREEMENT, OR**  
25 **OTHER DECISION NOT TO PROCEED WITH CHARGES.**

26 **(B) ANY FINAL ACTION THAT AFFECTS THE STATUS OF A PERSON'S**  
27 **TEACHING CERTIFICATE SHALL BE TAKEN BY THE SUPERINTENDENT OF PUBLIC**

1 **INSTRUCTION.**

2 (C) The superintendent of public instruction after a hearing  
3 shall not take action against a person's teaching certificate under  
4 subsection (1) or (2) unless the superintendent of public  
5 instruction finds that the conviction is reasonably and adversely  
6 related to the person's present fitness to serve in an elementary  
7 or secondary school in this state or that the conviction  
8 demonstrates that the person is unfit to teach in an elementary or  
9 secondary school in this state. Further, the superintendent of  
10 public instruction may take action against a person's teaching  
11 certificate under subsection (1) or (2) based on a conviction that  
12 occurred before ~~the effective date of the amendatory act that~~  
13 ~~added this subsection~~ **APRIL 1, 2004** if the superintendent of  
14 public instruction finds that the conviction is reasonably and  
15 adversely related to the person's present fitness to serve in an  
16 elementary or secondary school in this state or that the conviction  
17 demonstrates that the person is unfit to teach in an elementary or  
18 secondary school in this state. **FOR THE PURPOSES OF THIS SECTION,**  
19 **CONVICTION OF A LISTED OFFENSE IS REASONABLY AND ADVERSELY RELATED**  
20 **TO THE PERSON'S FITNESS TO SERVE IN AN ELEMENTARY OR SECONDARY**  
21 **SCHOOL IN THIS STATE AND DEMONSTRATES THAT THE PERSON IS UNFIT TO**  
22 **TEACH IN AN ELEMENTARY OR SECONDARY SCHOOL IN THIS STATE.**

23 (4) If a person who has entered a plea of guilt or no contest  
24 to or who is the subject of a finding of guilt by a judge or jury  
25 of a crime listed in subsection (2) has been suspended from active  
26 performance of duty by a public school, school district,  
27 intermediate school district, or nonpublic school during the

1 pendency of proceedings under this section, the public school,  
2 school district, intermediate school district, or nonpublic school  
3 employing the person shall discontinue the person's compensation  
4 until the superintendent of public instruction has made a final  
5 determination of whether or not to suspend or revoke the person's  
6 teaching certificate. If the superintendent of public instruction  
7 does not suspend or revoke the person's teaching certificate, the  
8 public school, school district, intermediate school district, or  
9 nonpublic school shall make the person whole for lost compensation,  
10 without interest. However, if a collective bargaining agreement is  
11 in effect as of ~~the effective date of this subsection~~ **JANUARY 1,**  
12 **2006** for employees of a school district, intermediate school  
13 district, or public school academy, and if the terms of that  
14 collective bargaining agreement are inconsistent with this  
15 subsection, then this subsection does not apply to that school  
16 district, intermediate school district, or public school academy  
17 until after the expiration of that collective bargaining agreement.

18 (5) Except as otherwise provided in this subsection, after the  
19 completion of a person's sentence, the person may request a hearing  
20 ~~before the superintendent of public instruction~~ on reinstatement  
21 of his or her teaching certificate. Based upon the issues and  
22 evidence presented at the hearing, the superintendent of public  
23 instruction may reinstate, continue the suspension of, or  
24 permanently revoke the person's teaching certificate. The  
25 superintendent of public instruction shall not reinstate a person's  
26 teaching certificate unless the superintendent of public  
27 instruction finds that the person is currently fit to serve in an

1 elementary or secondary school in this state and that reinstatement  
2 of the person's teaching certificate will not adversely affect the  
3 health, safety, and welfare of pupils. If a person's conviction was  
4 for a listed offense, the person is not entitled to request a  
5 hearing on reinstatement under this subsection, and the  
6 superintendent of public instruction shall not reinstate the  
7 person's teaching certificate under this subsection.

8 (6) All of the following apply to a person described in this  
9 section whose conviction is reversed upon final appeal:

10 (a) The person's teaching certificate shall be reinstated upon  
11 his or her notification to the superintendent of public instruction  
12 of the reversal.

13 (b) If the suspension of the person's teaching certificate  
14 under this section was the sole cause of his or her discharge from  
15 employment, the person shall be reinstated, upon his or her  
16 notification to the appropriate local or intermediate school board  
17 of the reversal, with full rights and benefits, to the position he  
18 or she would have had if he or she had been continuously employed.

19 (c) If the person's compensation was discontinued under  
20 subsection (4), the public school, school district, intermediate  
21 school district, or nonpublic school shall make the person whole  
22 for lost compensation.

23 (7) If the prosecuting attorney in charge of a case receives a  
24 form as provided under section 1230d, the prosecuting attorney  
25 shall notify the superintendent of public instruction, and any  
26 public school, school district, intermediate school district, or  
27 nonpublic school in which the person is employed by forwarding a

1 copy of the form to each of them not later than 7 days after  
2 receiving the form. If the court receives a form as provided under  
3 section 1230d, the court shall notify the superintendent of public  
4 instruction and any public school, school district, intermediate  
5 school district, or nonpublic school in which the person is  
6 employed by forwarding to each of them a copy of the form and  
7 information regarding the sentence imposed on the person not later  
8 than 7 days after the date of sentencing, even if the court is  
9 maintaining the file as a nonpublic record.

10 (8) Not later than 7 days after receiving notification from  
11 the prosecuting attorney or the court under subsection (7) or  
12 learning through an authoritative source that a person who holds a  
13 teaching certificate has been convicted of a crime listed in  
14 subsection (1), the superintendent of public instruction shall  
15 request the court to provide a certified copy of the judgment of  
16 conviction and sentence or other document regarding the disposition  
17 of the case to the superintendent of public instruction and shall  
18 pay any fees required by the court. The court shall provide this  
19 certified copy within 7 days after receiving the request and fees  
20 under this section or after entry of the judgment or other  
21 document, whichever is later, even if the court is maintaining the  
22 judgment or other document as a nonpublic record.

23 (9) If the superintendent of a school district or intermediate  
24 school district, the chief administrative officer of a nonpublic  
25 school, the president of the board of a school district or  
26 intermediate school district, or the president of the governing  
27 board of a nonpublic school is notified or learns through an

1 authoritative source that a person who holds a teaching certificate  
2 and who is employed by the school district, intermediate school  
3 district, or nonpublic school has been convicted of a crime  
4 described in subsection (1) or (2), the superintendent, chief  
5 administrative officer, or board president shall notify the  
6 superintendent of public instruction of that conviction within 15  
7 days after learning of the conviction.

8 (10) For the purposes of this section, a certified copy of the  
9 judgment of conviction and sentence is conclusive evidence of  
10 conviction of a crime described in this section. For the purposes  
11 of this section, conviction of a crime described in this section is  
12 considered to be reasonably and adversely related to the ability of  
13 the person to serve in an elementary or secondary school and is  
14 sufficient grounds for suspension or revocation of the person's  
15 teaching certificate.

16 (11) For any hearing under subsection (1), if the  
17 superintendent of public instruction does not ~~complete the hearing~~  
18 ~~procedures and~~ make a final decision and order within 120 working  
19 days after receiving the request for the hearing, as required under  
20 subsection (1), the superintendent of public instruction shall  
21 submit a report detailing the reasons for the delay to the standing  
22 committees and appropriations subcommittees of the senate and house  
23 of representatives that have jurisdiction over education and  
24 education appropriations. The failure of the superintendent of  
25 public instruction to ~~complete the hearing procedures and~~ make a  
26 final decision and order within this 120 working day time limit, or  
27 the failure of any other official or agency to meet a time limit

1 prescribed in this section, does not affect the validity of an  
2 action taken under this section affecting a person's teaching  
3 certificate.

4 (12) Beginning July 1, 2004, the superintendent of public  
5 instruction shall submit to the legislature a quarterly report of  
6 all final actions he or she has taken under this section affecting  
7 a person's teaching certificate during the preceding quarter. The  
8 report shall contain at least all of the following with respect to  
9 each person whose teaching certificate has been affected:

10 (a) The person's name, as it appears on the teaching  
11 certificate.

12 (b) The school district, intermediate school district, public  
13 school academy, or nonpublic school in which the person was  
14 employed at the time of the conviction, if any.

15 (c) The offense for which the person was convicted and the  
16 date of the offense and date of the conviction.

17 (d) Whether the action taken by the superintendent of public  
18 instruction was a summary suspension, suspension due to failure to  
19 request a hearing, suspension, revocation, or reinstatement of the  
20 teaching certificate.

21 (13) This section does not do any of the following:

22 (a) Prohibit a person who holds a teaching certificate from  
23 seeking monetary compensation from a school board or intermediate  
24 school board if that right is available under a collective  
25 bargaining agreement or another statute.

26 (b) Limit the rights and powers granted to a school district  
27 or intermediate school district under a collective bargaining



1 agreement, this act, or another statute to discipline or discharge  
2 a person who holds a teaching certificate.

3 (14) The superintendent of public instruction may promulgate,  
4 as necessary, rules to implement this section pursuant to the  
5 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
6 24.328.

7 (15) The department of information technology shall work with  
8 the department and the department of state police to develop and  
9 implement an automated program that does a comparison of the  
10 department's list of individuals holding a teaching certificate or  
11 state board approval, **AND OF ANY OTHER LIST MAINTAINED BY THE**  
12 **DEPARTMENT OF INDIVIDUALS EMPLOYED OR REGULARLY AND CONTINUOUSLY**  
13 **WORKING UNDER CONTRACT IN A SCHOOL**, with the conviction information  
14 received by the department of state police. This comparison shall  
15 only include individuals who are actually school employees at the  
16 time of the comparison or who are regularly and continuously  
17 working under contract at the time of the comparison. Unless  
18 otherwise prohibited by law, this comparison shall include  
19 convictions contained in a nonpublic record. The department and the  
20 department of state police shall perform this comparison during  
21 January and June of each year until July 1, 2008. The department of  
22 state police shall take all reasonable and necessary measures using  
23 the available technology to ensure the accuracy of this comparison  
24 before transmitting the information under this subsection to the  
25 department. The department shall take all reasonable and necessary  
26 measures using the available technology to ensure the accuracy of  
27 this comparison before notifying a school district, intermediate

1 school district, public school academy, or nonpublic school of a  
2 conviction. If a comparison discloses that a person on the  
3 department's list of individuals holding a teaching certificate or  
4 state board approval has been convicted of a crime, **OR IF THE**  
5 **DEPARTMENT IS OTHERWISE NOTIFIED BY THE DEPARTMENT OF STATE POLICE**  
6 **THAT SUCH A PERSON HAS BEEN CONVICTED OF A CRIME**, the department  
7 shall notify the superintendent or chief administrator and the  
8 board or governing body of the school district, intermediate school  
9 district, public school academy, or nonpublic school in which the  
10 person is employed of that conviction.

11 ~~—— (16) Not later than May 1, 2006, the department shall submit a~~  
12 ~~report to the legislature that details the number of individuals~~  
13 ~~holding a teaching certificate or state board approval who were~~  
14 ~~school employees or regularly and continuously working under~~  
15 ~~contract as of January 1, 2006 and who have been convicted of a~~  
16 ~~listed offense or any felony.~~

17 (16) ~~(17)~~ As used in this section:

18 (a) "Conviction" means a judgment entered by a court upon a  
19 plea of guilty, guilty but mentally ill, or nolo contendere or upon  
20 a jury verdict or court finding that a defendant is guilty or  
21 guilty but mentally ill.

22 (B) **"FELONY" MEANS THAT TERM AS DEFINED IN SECTION 1 OF**  
23 **CHAPTER I OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL**  
24 **761.1.**

25 (C) ~~(b)~~ "Listed offense" means that term as defined in  
26 section 2 of the sex offenders registration act, 1994 PA 295, MCL  
27 28.722.

1           (D) ~~—(e)—~~ "Prosecuting attorney" means the prosecuting  
2 attorney for a county, an assistant prosecuting attorney for a  
3 county, the attorney general, the deputy attorney general, an  
4 assistant attorney general, a special prosecuting attorney, or, in  
5 connection with the prosecution of an ordinance violation, an  
6 attorney for the political subdivision that enacted the ordinance  
7 upon which the violation is based.

8           (E) ~~—(d)—~~ "Regularly and continuously work under contract"  
9 means that term as defined in section 1230d.

10           Sec. 1539b. (1) Subject to subsection (2), if a person who  
11 holds state board approval has been convicted of a crime described  
12 in this subsection, within 10 working days after receiving notice  
13 of the conviction the superintendent of public instruction shall  
14 notify the person in writing that his or her state board approval  
15 may be suspended because of the conviction and of his or her right  
16 to a hearing before the superintendent of public instruction. The  
17 hearing shall be conducted as a contested case under the  
18 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
19 24.328. If the person does not avail himself or herself of this  
20 right to a hearing within 15 working days after receipt of this  
21 written notification, the person's state board approval shall be  
22 suspended. If a hearing takes place, the superintendent of public  
23 instruction shall complete the proceedings and make a final  
24 decision and order within 120 working days after receiving the  
25 request for a hearing. Subject to subsection (2), the  
26 superintendent of public instruction may suspend the person's state  
27 board approval, based upon the issues and evidence presented at the

1 hearing. This subsection applies to any of the following crimes:

2 (a) Any felony.

3 (b) Any of the following misdemeanors:

4 (i) Criminal sexual conduct in the fourth degree or an attempt  
5 to commit criminal sexual conduct in the fourth degree.

6 (ii) Child abuse in the third or fourth degree or an attempt to  
7 commit child abuse in the third or fourth degree.

8 (iii) A misdemeanor involving cruelty, torture, or indecent  
9 exposure involving a child.

10 (iv) A misdemeanor violation of section 7410 of the public  
11 health code, 1978 PA 368, MCL 333.7410.

12 (v) A violation of section 115, 141a, ~~145a,~~ 335a, or 359 of  
13 the Michigan penal code, 1931 PA 328, MCL 750.115, 750.141a,  
14 ~~750.145a,~~ 750.335a, and 750.359, or a misdemeanor violation of  
15 section 81, 81a, or 145d of the Michigan penal code, 1931 PA 328,  
16 MCL 750.81, 750.81a, and 750.145d.

17 (vi) A misdemeanor violation of section 701 of the Michigan  
18 liquor control code of 1998, 1998 PA 58, MCL 436.1701.

19 (vii) Any misdemeanor that is a listed offense.

20 (c) A violation of a substantially similar law of another  
21 state, of a political subdivision of this state or another state,  
22 or of the United States.

23 (2) If a person who holds state board approval has been  
24 convicted of a crime described in this subsection, the  
25 superintendent of public instruction shall find that the public  
26 health, safety, or welfare requires emergency action and shall  
27 order summary suspension of the person's state board approval under

1 section 92 of the administrative procedures act of 1969, 1969 PA  
2 306, MCL 24.292, and shall subsequently provide an opportunity for  
3 a hearing as required under that section. This subsection does not  
4 limit the superintendent of public instruction's ability to order  
5 summary suspension of a person's state board approval for a reason  
6 other than described in this subsection. This subsection applies to  
7 conviction of any of the following crimes:

8 (a) Criminal sexual conduct in any degree, assault with intent  
9 to commit criminal sexual conduct, or an attempt to commit criminal  
10 sexual conduct in any degree.

11 (b) Felonious assault on a child, child abuse in the first  
12 degree, or an attempt to commit child abuse in the first degree.

13 (c) Cruelty, torture, or indecent exposure involving a child.

14 (d) A violation of section 7401(2)(a)(i), 7403(2)(a)(i), 7410,  
15 or 7416 of the public health code, 1978 PA 368, MCL 333.7401,  
16 333.7403, 333.7410, and 333.7416.

17 (e) A violation of section 83, 89, 91, 145a, 145b, 145c, 316,  
18 317, 350, 448, 455, or 529 of the Michigan penal code, 1931 PA 328,  
19 MCL 750.83, 750.89, 750.91, 750.145a, 750.145b, 750.145c, 750.316,  
20 750.317, 750.350, 750.448, 750.455, and 750.529, or a felony  
21 violation of section 145d of the Michigan penal code, 1931 PA 328,  
22 MCL 750.145d.

23 (f) A violation of section 158 of the Michigan penal code,  
24 1931 PA 328, MCL 750.158, if a victim is an individual less than 18  
25 years of age.

26 (g) Except for a juvenile disposition or adjudication, a  
27 violation of section 338, 338a, or 338b of the Michigan penal code,

1 1931 PA 328, MCL 750.338, 750.338a, and 750.338b, if a victim is an  
2 individual less than 18 years of age.

3 (h) A violation of section 349 of the Michigan penal code,  
4 1931 PA 328, MCL 750.349, if a victim is an individual less than 18  
5 years of age.

6 (i) An offense committed by a person who was, at the time of  
7 the offense, a sexually delinquent person as defined in section 10a  
8 of the Michigan penal code, 1931 PA 328, MCL 750.10a.

9 **(J) ANY OTHER CRIME THAT IS A LISTED OFFENSE.**

10 **(K) —(j)—** An attempt or conspiracy to commit an offense listed  
11 in subdivision (a), (e), (f), (g), (h), ~~or~~ (i), **OR (J).**

12 **(L) —(k)—** A violation of a substantially similar law of another  
13 state, of a political subdivision of this state or another state,  
14 or of the United States.

15 **(M) —(l)—** Any other crime listed in subsection (1), if the  
16 superintendent of public instruction determines the public health,  
17 safety, or welfare requires emergency action based on the  
18 circumstances underlying the conviction.

19 **(3) ALL OF THE FOLLOWING APPLY TO ANY PROCEEDINGS AFFECTING A**  
20 **PERSON'S STATE BOARD APPROVAL UNDER THIS SECTION:**

21 **(A) THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL APPOINT A**  
22 **DESIGNEE TO PERFORM THE INVESTIGATORY AND PROSECUTORIAL FUNCTIONS**  
23 **INVOLVED IN THE PROCEEDINGS. HOWEVER, THE SUPERINTENDENT OF PUBLIC**  
24 **INSTRUCTION MUST APPROVE ANY SETTLEMENT, CONDITIONAL AGREEMENT, OR**  
25 **OTHER DECISION NOT TO PROCEED WITH CHARGES.**

26 **(B) ANY FINAL ACTION THAT AFFECTS THE STATUS OF A PERSON'S**  
27 **STATE BOARD APPROVAL SHALL BE TAKEN BY THE SUPERINTENDENT OF PUBLIC**

1 **INSTRUCTION.**

2 (C) The superintendent of public instruction after a hearing  
3 shall not take action against a person's state board approval under  
4 subsection (1) or (2) unless the superintendent of public  
5 instruction finds that the conviction is reasonably and adversely  
6 related to the person's present fitness to serve in an elementary  
7 or secondary school in this state or that the conviction  
8 demonstrates that the person is unfit to teach in an elementary or  
9 secondary school in this state. Further, the superintendent of  
10 public instruction may take action against a person's state board  
11 approval under subsection (1) or (2) based on a conviction that  
12 occurred before ~~the effective date of the amendatory act that~~  
13 ~~added this subsection~~ **APRIL 1, 2004** if the superintendent of  
14 public instruction finds that the conviction is reasonably and  
15 adversely related to the person's present fitness to serve in an  
16 elementary or secondary school in this state. **FOR THE PURPOSES OF**  
17 **THIS SECTION, CONVICTION OF A LISTED OFFENSE IS REASONABLY AND**  
18 **ADVERSELY RELATED TO THE PERSON'S FITNESS TO SERVE IN AN ELEMENTARY**  
19 **OR SECONDARY SCHOOL IN THIS STATE AND DEMONSTRATES THAT THE PERSON**  
20 **IS UNFIT TO TEACH IN AN ELEMENTARY OR SECONDARY SCHOOL IN THIS**  
21 **STATE.**

22 (4) If a person who has entered a plea of guilt or no contest  
23 to or who is the subject of a finding of guilt by a judge or jury  
24 of a crime listed in subsection (2) has been suspended from active  
25 performance of duty by a public school, school district,  
26 intermediate school district, or nonpublic school during the  
27 pendency of proceedings under this section, the public school,

1 school district, intermediate school district, or nonpublic school  
2 employing the person shall discontinue the person's compensation  
3 until the superintendent of public instruction has made a final  
4 determination of whether or not to suspend or revoke the person's  
5 state board approval. If the superintendent of public instruction  
6 does not suspend or revoke the person's state board approval, the  
7 public school, school district, intermediate school district, or  
8 nonpublic school shall make the person whole for lost compensation,  
9 without interest. However, if a collective bargaining agreement is  
10 in effect as of ~~the effective date of this subsection~~ **JANUARY 1,**  
11 **2006** for employees of a school district, intermediate school  
12 district, or public school academy, and if the terms of that  
13 collective bargaining agreement are inconsistent with this  
14 subsection, then this subsection does not apply to that school  
15 district, intermediate school district, or public school academy  
16 until after the expiration of that collective bargaining agreement.

17 (5) Except as otherwise provided in this subsection, after the  
18 completion of the person's sentence, the person may request a  
19 hearing ~~before the superintendent of public instruction~~ on  
20 reinstatement of his or her state board approval. Based upon the  
21 issues and evidence presented at the hearing, the superintendent of  
22 public instruction may reinstate, continue the suspension of, or  
23 permanently revoke the person's state board approval. The  
24 superintendent of public instruction shall not reinstate a person's  
25 state board approval unless the superintendent of public  
26 instruction finds that the person is currently fit to serve in an  
27 elementary or secondary school in this state and that reinstatement



1 of the person's state board approval will not adversely affect the  
2 health, safety, and welfare of pupils. If a person's conviction was  
3 for a listed offense, the person is not entitled to request a  
4 hearing on reinstatement under this subsection, and the  
5 superintendent of public instruction shall not reinstate the  
6 person's state board approval under this subsection.

7 (6) All of the following apply to a person described in this  
8 section whose conviction is reversed upon final appeal:

9 (a) The person's state board approval shall be reinstated upon  
10 his or her notification to the superintendent of public instruction  
11 of the reversal.

12 (b) If the suspension of the state board approval was the sole  
13 cause of his or her discharge from employment, the person shall be  
14 reinstated upon his or her notification to the appropriate local or  
15 intermediate school board of the reversal, with full rights and  
16 benefits, to the position he or she would have had if he or she had  
17 been continuously employed.

18 (c) If the person's compensation was discontinued under  
19 subsection (4), the public school, school district, intermediate  
20 school district, or nonpublic school shall make the person whole  
21 for lost compensation.

22 (7) If the prosecuting attorney in charge of a case receives a  
23 form as provided under section 1230d, the prosecuting attorney  
24 shall notify the superintendent of public instruction, and any  
25 public school, school district, intermediate school district, or  
26 nonpublic school in which the person is employed by forwarding a  
27 copy of the form to each of them not later than 7 days after

1 receiving the form. If the court receives a form as provided under  
2 section 1230d, the court shall notify the superintendent of public  
3 instruction and any public school, school district, intermediate  
4 school district, or nonpublic school in which the person is  
5 employed by forwarding to each of them a copy of the form and  
6 information regarding the sentence imposed on the person not later  
7 than 7 days after the date of the sentencing, even if the court is  
8 maintaining the file as a nonpublic record.

9 (8) Not later than 7 days after receiving notification from  
10 the prosecuting attorney or the court under subsection (7) or  
11 learning through an authoritative source that a person who holds  
12 state board approval has been convicted of a crime listed in  
13 subsection (1), the superintendent of public instruction shall  
14 request the court to provide a certified copy of the judgment of  
15 conviction and sentence or other document regarding the disposition  
16 of the case to the superintendent of public instruction and shall  
17 pay any fees required by the court. The court shall provide this  
18 certified copy within 7 days after receiving the request and fees  
19 under this section or after entry of the judgment or other  
20 document, whichever is later, even if the court is maintaining the  
21 judgment or other document as a nonpublic record.

22 (9) If the superintendent of a school district or intermediate  
23 school district, the chief administrative officer of a nonpublic  
24 school, the president of the board of a school district or  
25 intermediate school district, or the president of the governing  
26 board of a nonpublic school is notified or learns through an  
27 authoritative source that a person who holds state board approval

1 and who is employed by the school district, intermediate school  
2 district, or nonpublic school has been convicted of a crime  
3 described in subsection (1) or (2), the superintendent, chief  
4 administrative officer, or board president shall notify the  
5 superintendent of public instruction of that conviction within 15  
6 days after learning of the conviction.

7 (10) For the purposes of this section, a certified copy of the  
8 judgment of conviction and sentence is conclusive evidence of  
9 conviction of a crime described in this section. For the purposes  
10 of this section, conviction of a crime described in this section is  
11 considered to be reasonably and adversely related to the ability of  
12 the person to serve in an elementary or secondary school and is  
13 sufficient grounds for suspension or revocation of the person's  
14 state board approval.

15 (11) For any hearing under subsection (1), if the  
16 superintendent of public instruction does not ~~complete the hearing~~  
17 ~~procedures and~~ make a final decision and order within 120 working  
18 days after receiving the request for the hearing, as required under  
19 subsection (1), the superintendent of public instruction shall  
20 submit a report detailing the reasons for the delay to the standing  
21 committees and appropriations subcommittees of the senate and house  
22 of representatives that have jurisdiction over education and  
23 education appropriations. The failure of the superintendent of  
24 public instruction to ~~complete the hearing procedures and~~ make a  
25 final decision and order within this 120 working day time limit, or  
26 the failure of any other official or agency to meet a time limit  
27 prescribed in this section, does not affect the validity of an

1 action taken under this section affecting a person's state board  
2 approval.

3 (12) Beginning July 1, 2004, the superintendent of public  
4 instruction shall submit to the legislature a quarterly report of  
5 all final actions he or she has taken under this section affecting  
6 a person's state board approval during the preceding quarter. The  
7 report shall contain at least all of the following with respect to  
8 each person whose state board approval has been affected:

9 (a) The person's name, as it appears on the state board  
10 approval.

11 (b) The school district, intermediate school district, public  
12 school academy, or nonpublic school in which the person was  
13 employed at the time of the conviction, if any.

14 (c) The offense for which the person was convicted and the  
15 date of the offense and date of the conviction.

16 (d) Whether the action taken by the superintendent of public  
17 instruction was a summary suspension, suspension due to failure to  
18 request a hearing, suspension, revocation, or reinstatement of the  
19 state board approval.

20 (13) This section does not do any of the following:

21 (a) Prohibit a person who holds state board approval from  
22 seeking monetary compensation from a school board or intermediate  
23 school board if that right is available under a collective  
24 bargaining agreement or another statute.

25 (b) Limit the rights and powers granted to a school district  
26 or intermediate school district under a collective bargaining  
27 agreement, this act, or another statute to discipline or discharge

1 a person who holds state board approval.

2 (c) Exempt a person who holds state board approval from the  
3 operation of section 1535a if the person holds a certificate  
4 subject to that section.

5 (d) Limit the ability of a state licensing body to take action  
6 against a person's license or registration for the same conviction.

7 (14) The superintendent of public instruction may promulgate,  
8 as necessary, rules to implement this section pursuant to the  
9 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
10 24.328.

11 (15) The department of information technology shall work with  
12 the department and the department of state police to develop and  
13 implement an automated program that does a comparison of the  
14 department's list of individuals holding a teaching certificate or  
15 state board approval, **AND OF ANY OTHER LIST MAINTAINED BY THE**  
16 **DEPARTMENT OF INDIVIDUALS EMPLOYED OR REGULARLY AND CONTINUOUSLY**  
17 **WORKING UNDER CONTRACT IN A SCHOOL**, with the conviction information  
18 received by the department of state police. This comparison shall  
19 only include individuals who are actually school employees at the  
20 time of the comparison or who are regularly and continuously  
21 working under contract at the time of the comparison. Unless  
22 otherwise prohibited by law, this comparison shall include  
23 convictions contained in a nonpublic record. The department and the  
24 department of state police shall perform this comparison during  
25 January and June of each year until July 1, 2008. The department of  
26 state police shall take all reasonable and necessary measures using  
27 the available technology to ensure the accuracy of this comparison

1 before transmitting the information under this subsection to the  
2 department. The department shall take all reasonable and necessary  
3 measures using the available technology to ensure the accuracy of  
4 this comparison before notifying a school district, intermediate  
5 school district, public school academy, or nonpublic school of a  
6 conviction. If a comparison discloses that a person on the  
7 department's list of individuals holding a teaching certificate or  
8 state board approval has been convicted of a crime, **OR IF THE**  
9 **DEPARTMENT IS OTHERWISE NOTIFIED BY THE DEPARTMENT OF STATE POLICE**  
10 **THAT SUCH A PERSON HAS BEEN CONVICTED OF A CRIME**, the department  
11 shall notify the superintendent or chief administrator and the  
12 board or governing body of the school district, intermediate school  
13 district, public school academy, or nonpublic school in which the  
14 person is employed of that conviction.

15 ~~—— (16) Not later than May 1, 2006, the department shall submit a~~  
16 ~~report to the legislature that details the number of individuals~~  
17 ~~holding a teaching certificate or state board approval who were~~  
18 ~~school employees or regularly and continuously working under~~  
19 ~~contract as of January 1, 2006 and who have been convicted of a~~  
20 ~~listed offense or any felony.~~

21 (16) ~~—(17)—~~ As used in this section:

22 (a) "Conviction" means a judgment entered by a court upon a  
23 plea of guilty, guilty but mentally ill, or nolo contendere or upon  
24 a jury verdict or court finding that a defendant is guilty or  
25 guilty but mentally ill.

26 (B) **"FELONY" MEANS THAT TERM AS DEFINED IN SECTION 1 OF**  
27 **CHAPTER I OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL**

1 761.1.

2 (C) ~~—(b)—~~ "Listed offense" means that term as defined in  
3 section 2 of the sex offenders registration act, 1994 PA 295, MCL  
4 28.722.

5 (D) ~~—(e)—~~ "Prosecuting attorney" means the prosecuting  
6 attorney for a county, an assistant prosecuting attorney for a  
7 county, the attorney general, the deputy attorney general, an  
8 assistant attorney general, a special prosecuting attorney, or, in  
9 connection with the prosecution of an ordinance violation, an  
10 attorney for the political subdivision that enacted the ordinance  
11 upon which the violation is based.

12 (E) ~~—(d)—~~ "Regularly and continuously work under contract"  
13 means that term as defined in section 1230d.

14 (F) ~~—(e)—~~ "State board approval" means a license, certificate,  
15 approval not requiring a teaching certificate, or other evidence of  
16 qualifications to hold a particular position in a school district  
17 or intermediate school district or in a nonpublic school, other  
18 than a teacher's certificate subject to section 1535a, that is  
19 issued to a person by the state board or the superintendent of  
20 public instruction under this act or a rule promulgated under this  
21 act.